

FREEDOM  
IN THE  
WORLD  
2009

THE ANNUAL SURVEY OF  
POLITICAL RIGHTS AND  
CIVIL LIBERTIES

F R E E D O M   H O U S E

**Freedom in the World**  
**2009**

The findings of *Freedom in the World 2009* include events from January 1, 2008, through December 31, 2008.

# **Freedom in the World 2009**

## The Annual Survey of Political Rights & Civil Liberties

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# Findings of *Freedom in the World 2009* Setbacks and Resilience

Arch Puddington

Global freedom suffered its third year of decline in 2008, although the pace of erosion seemed less severe than in previous years. Most regions experienced stagnation, with sub-Saharan Africa and the non-Baltic former Soviet Union experiencing the most acute deterioration. The decline in freedom has coincided with a forceful reaction against democratic reformers, international assistance to those reformers, and ultimately the idea of democracy itself by a number of powerful authoritarian regimes in the wake of the "color revolutions" of 2003-05. Significantly, the countries that have been most aggressive in suppressing political opposition and civil society either showed no evidence of positive change in 2008 or—as with Iran, Russia, Zimbabwe, and Venezuela—demonstrated enhanced antidemocratic tendencies.

The United States and other established democracies will face serious challenges in developing strategies to counter the gathering authoritarian pushback against opposition parties, nongovernmental organizations (NGOs), and the press. For the incoming U.S. administration, these challenges will be complicated by the worldwide economic crisis, whose effects on the state of democracy are still unclear. The new administration will also face pressure from those who contend that the promotion of freedom should be abandoned as a foreign policy goal in order to improve relations with authoritarian adversaries.

To be sure, the picture of global freedom as measured by *Freedom in the World*, Freedom House's annual survey of political rights and civil liberties, reflects a number of positive developments along with the worrying setbacks. The number of country declines, 34, was greater than the number of gains, 14, but many of the declines were modest.

One of the most significant changes was Afghanistan's decline in status from Partly Free to Not Free. At the same time, five countries in South Asia experienced gains during the year, a hopeful sign for a subregion that has been subject to political volatility and upheaval in recent years. In contrast, 12 countries in sub-Saharan Africa, one-fourth of the regional total, experienced setbacks. These included status changes for Mauritania, which moved from Partly Free to Not Free, and Senegal, which moved from Free to Partly Free, as well as notable declines in Nigeria and Zimbabwe. In the non-Baltic former Soviet Union, fully half of the 12 countries suffered a decline.

Among other developments and trends were the following:

- Continuation of a decade-long trend of regression for the countries of the non-Baltic former Soviet Union, including declines for Russia and Georgia. For the first time, South Ossetia was included in the roster of territories evaluated separately in *Freedom in the World*. It received a



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designation of Not Free and ranks among the world's most repressive regimes.

- Stagnation in the Middle East and North Africa (MENA) region, with conditions exacerbated by the fighting in Gaza at year's end.
- Continuation of a negative global trend with respect to freedom of expression, freedom of association, and the rule of law.
- Declines in civil liberties in two European countries, Italy and Greece.
- Declines in four politically significant Latin American countries—Venezuela, Colombia, Mexico, and Nicaragua.
- China's failure to make human rights improvements during its year as host of the Olympic Games.

### Freedom in the World—2009 Survey

The population of the world as estimated in mid-2008 was 6,683.2 million persons, who reside in 193 sovereign states. The level of political rights and civil liberties as shown comparatively by the Freedom House Survey is:

Partly Free: 1,351.0 million (20.21 percent of the world's population) live in 62 of the states.

Not Free: 2,276.3 million (34.06 percent of the world's population) live in 42 of the states.

Free: 3,055.9 million (45.73 percent of the world's population) live in 89 of the states.

#### A Record of the Survey (population in millions)

Year under Review	FREE	PARTLY FREE	NOT FREE	WORLD POPULATION
Mid-1992	1,352.2 (24.83%)	2,403.3 (44.11%)	1,690.4 (31.06%)	5,446.0
Mid-1993	1,046.2 (19.00%)	2,224.4 (40.41%)	2,234.5 (40.59%)	5,505.2
Mid-1994	1,119.7 (19.57%)	2,243.4 (40.01%)	2,243.9 (40.02%)	5,607.0
Mid-1995	1,114.5 (19.58%)	2,365.3 (41.49%)	2,221.2 (38.96%)	5,701.5
Mid-1996	1,250.3 (21.67%)	2,260.1 (39.16%)	2,260.6 (39.17%)	5,771.0
Mid-1997	1,266.0 (21.71%)	2,281.9 (39.12%)	2,284.6 (39.17%)	5,832.5
Mid-1998	2,354.0 (30.34%)*	1,570.6 (26.59%)	1,964.1 (33.58%)	5,906.7
Mid-1999	2,324.5 (38.30%)	1,529.0 (25.58%)	2,122.4 (36.51%)	5,976.3
Mid-2000	2,465.2 (40.69%)	1,435.3 (21.70%)	2,157.5 (35.61%)	6,058.5
Mid-2001	2,500.7 (40.79%)	1,462.9 (23.36%)	2,167.1 (35.35%)	6,130.7
Mid-2002	2,717.6 (43.86%)	1,293.1 (20.87%)	2,186.3 (36.28%)	6,197.0
Mid-2003	2,780.1 (44.03%)	1,324.0 (20.97%)	2,209.9 (35.00%)	6,314.0
Mid-2004	2,819.1 (44.06%)	1,189.0 (18.59%)	2,387.3 (37.33%)	6,395.4
Mid-2005	2,968.3 (45.97%)	1,157.7 (17.93%)	2,331.2 (36.10%)	6,457.7
Mid-2006	3,005.0 (46.00%)	1,063.2 (17.00%)	2,448.6 (37.00%)	6,536.3
Mid-2007	3,028.2 (45.86%)	1,185.3 (17.94%)	2,391.4 (36.21%)	6,604.9
Mid-2008	3,055.9 (45.73%)	1,351.0 (20.21%)	2,276.3 (34.06%)	6,683.2

\* The large shift in the population figure between 1997 and 1998 is due to India's change in status from Partly Free to Free.

#### Results for 2008

The number of countries judged by *Freedom in the World* to be Free in 2008 stood at 89, representing 46 percent of the world's 193 countries and 3,055,885,000 people—46 percent of the global population. The number of Free countries declined by one from the previous year's survey.

The number of countries qualifying as Partly Free stood at 62, or 32 percent of all countries assessed by the survey, and they comprised 1,351,014,000 people, or

20 percent of the world's total. The number of Partly Free countries increased by two from the previous year.

Forty-two countries were judged Not Free, representing 22 percent of the total number of countries. The number of people living under Not Free conditions stood at 2,276,292,000, or 34 percent of the world population, though it is important to note that over half of this number lives in just one country: China. The number of Not Free countries declined by one from 2007.

Three countries, all from the South Asia subregion, moved from Not Free to Partly Free: Pakistan, Maldives, and Bhutan. Three other countries experienced declines in status: Afghanistan, which moved from Partly Free to Not Free; Mauritania, from Partly Free to Not Free; and Senegal, from Free to Partly Free.

The number of electoral democracies dropped by two and stands at 119. One country, Bosnia and Herzegovina, which has been under the political control of officials appointed by the international community, qualified to join the world's electoral democracies. Bangladesh also achieved electoral democracy status due to improvements in its electoral processes and national elections that were widely judged to be fair and competitive. Developments in four countries—the

Central African Republic, Georgia, Mauritania, and Venezuela—disqualified them from the electoral democracy list. The decline of these countries is significant given their regional importance and the fact that two, Mauritania and Georgia, were previously hailed as new additions to the democratic world. Georgia was the site of the first in the recent spate of color revolutions and represented one of the few bright spots in the former Soviet Union; its erratic course, including a state of emergency in 2007 and war with Russia in August, ranks among the more disturbing developments of the past two years.

### Freedom and the "Freedom Agenda"

In the aftermath of the terrorist attacks of September 11, 2001, President George W. Bush made American support for democratic movements abroad a centerpiece of his administration's foreign policy. Yet even as Bush stressed the importance of freedom as an American value, his administration was widely and often harshly criticized for several of its counterterrorism policies, including the use of torture, extraordinary renditions, and the treatment of detainees at the Guantanamo Bay military base. Others criticized Bush for employing a rhetoric of freedom that was not supported by consistent policies, especially with regard to the democratic performance of key American allies and the conflation of democracy promotion with mili-

### The Global Trend

Year Under Review	Free	Partly Free	Not Free
1978	47	56	55
1988	60	39	68
1998	88	53	50
2008	89	62	42

### Tracking Electoral Democracy

Year Under Review	Number of Electoral Democracies
1998	117
2003	117
2008	119

tary action in Iraq. On the other hand, policy changes that linked U.S. aid to democratic governance and made the expansion of democracy in the Middle East a priority were important steps forward.

Clearly, the Bush record will stand as a source of controversy for some time to come. It is worth emphasizing here that domestic actors are always the main force for change in a given society, and no outside entity can take the lion's share of credit for a country's democratic progress. Moreover, to the extent that the policies of the international community do make a difference, their effects do not always correspond neatly to the terms of particular U.S. administrations. That being said, there may be some utility in assessing the fortunes of global democracy during the Bush presidency, as measured in *Freedom in the World*.

For the period between 2000, the year prior to Bush's first term, and 2008, his final year in office, the record shows modest change in terms of overall status, with three more countries ranked as Free and six fewer countries designated as Not Free. The number of electoral democracies for 2008, 119, is actually one fewer than for 2000.

At the same time, an assessment based on the numerical scale employed by *Freedom in the World*—a subtler indicator than the Free, Partly Free, and Not Free designations—suggests a more positive record during the Bush years. A total of 81 countries, over 40 percent of the world total, registered numerical improvements from 2000 to 2008, with 36 moving backward during the period. On a regional basis, the most notable gains were registered in the former communist countries of Central and Eastern Europe and the Baltic, with 13 logging improvements in freedom and none showing regression. These advances, it should be noted, are essentially a continuation of the progress that began with the fall of the Berlin Wall and was supported by the common policies of at least three U.S. presidents. Significantly, the only area to show outright decline during the Bush years was the non-Baltic former Soviet Union, potent evidence of a steadily growing "freedom divide" between those former communist countries that have joined, or sought to join, the EU, and those which have yet to cast off the Soviet legacy.

Other regions that showed notable gains during the period were sub-Saharan Africa, Asia-Pacific, and the Middle East and North Africa. In the last of those three, nine countries, or half of the regional total, showed gains, while two countries registered declines.

### **Post-Color Revolution Setbacks**

While data from *Freedom in the World* indicate that freedom moved in a positive direction during the Bush years, those gains were concentrated in his first term, and the same data show a turnaround in democracy's fortunes beginning in 2005 and continuing through 2008. Early 2005 marked the culmination of the Orange Revolution in Ukraine, the most significant, and thus far the most enduring, of the three recent color revolutions—largely nonviolent protest movements that succeeded in supplanting corrupt and autocratic governments in the former Soviet Union. In the aftermath of the events in Ukraine, a number of governments took measures to repress domestic opposition, weaken independent media, and hinder democracy assistance efforts by NGOs based in the United States and elsewhere. A reflection of this antidemocratic resurgence is the global decline in freedom of expression, freedom of association, and the rule of law over the past three years.

The full impact of this pushback against freedom remains unclear. But it is indisputable that the effort has had an effect in a number of regions. The countries whose governments have been the most outspoken in denouncing internal democratic forces and alleged subversion by outsiders, and the most aggressive in repressing opposition parties, NGOs, and independent media—namely China, Egypt, Iran, Cuba, Russia, and Zimbabwe—also rank among the more repressive states in *Freedom in the World*. While leading authoritarian regimes have succeeded in implementing more sophisticated and less obviously brutal methods to silence alternative voices and prevent the development of a credible democratic opposition, they have also demonstrated a willingness to use whatever means are necessary to maintain total political control.

### **The Russian Neighborhood: Conflict and a Widening Democratic Divide**

While many interpreted the quick and overwhelming military defeat of Georgia in the conflict over Abkhazia and South Ossetia as additional evidence of Russia's regional aggression, the past year was equally notable for a further consolidation of authoritarian rule within Russia under the leadership of Prime Minister Vladimir Putin. Although he stepped down as president in keeping with constitutional term limits, he continued to function as the dominant presence in Russian politics, and the methods of political control introduced during his presidency were, if anything, intensified. Putin's successor as president, Dmitry Medvedev, won an election in which opposition candidates were marginalized through laws and regulations that have effectively made Russia a one-party state and rendered effective international vote-monitoring impossible. At year's end, the parliament approved a law that would extend presidential terms from four to six years—a move seen as a prelude to Putin's return to the presidency—and was giving serious consideration to measures that would pose further threats to NGOs and restrict access to jury trials in cases involving charges of terrorism and other high-profile crimes.

Among Russia's neighbors, Armenia, Azerbaijan, Georgia, Kyrgyzstan, and Moldova, all experienced some degree of decline. Armenia's political rights rating dropped because of obstacles placed in the way of the political opposition during the presidential election, as well as the use of violence to disperse opposition protesters and the incarceration of over 100 people after the voting. Azerbaijan declined due to the increasing monopolization of power by President Ilham Aliyev and the ruling Yeni Azerbaijan Party; the flawed elections in October were boycotted by the opposition, and the leadership began pursuing measures to eliminate presidential term limits. Georgia declined due in part to growing authoritarian tendencies in the governing style of President Mikheil Saakashvili. Moldova suffered a decline in political rights due to increased official corruption, while Kyrgyzstan suffered from new constraints on freedom of the press and freedom of assembly.

The decline of Kyrgyzstan bolstered the perception of Central Asia as one of the world's most authoritarian subregions. Two other Central Asian countries, Uzbekistan and Turkmenistan, rank among the most repressive regimes on the *Freedom in the World* scale. The wealthiest Central Asian country, Kazakhstan, has thus far failed to implement any significant liberalizing measures in advance of its assumption of the chairmanship of the Organization of Security and Cooperation in Europe (OSCE).

Conditions in the non-Baltic former Soviet Union have deteriorated to the point

that the area ranks at the very bottom on a number of indicators measured by *Freedom in the World*. Its average political rights score has dropped sharply over the past three years and is now worse than that of any region, including the Middle East and North Africa. The non-Baltic former Soviet Union lags far behind sub-Saharan Africa on the average scores for political rights and civil liberties, as well as on the majority of individual indicators, including freedom of expression, freedom of association, and the rule of law.

The dire condition of democratic freedoms and individual liberties in the countries of the non-Baltic former Soviet Union contrasts sharply with the strength of democratic institutions in the former communist countries of the Baltic and Central and Eastern Europe. When the averaged political rights and civil liberties scores for this subregion are compared with those of the world's main regions, it ranks second, behind only Western Europe. However, several of these countries have shown signs of modest decline, primarily due to corruption and problems with the rule of law. In 2008, Bulgaria suffered a decline in political rights due to its inability to stem corruption and organized crime, a problem that caused the EU to suspend aid payments. Macedonia also faced a setback due to flawed parliamentary elections.

#### **Sub-Saharan Africa: Year of Regression**

After several years of modest improvement, sub-Saharan Africa experienced a year of substantial reversals for democracy. The decline affected several of the continent's largest and most influential countries and stemmed in part from military coups, ethnic conflict, and violent attempts to suppress civil society. While the countries in question included one with an impressive record of adherence to democratic standards, the dominant trend was setbacks, or maintenance of the status quo, in countries that already had well-established patterns of poor governance, authoritarian rule, and repression.

Thus, deterioration was registered in Burundi, Cameroon, the Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon, Gambia, Guinea, Somaliland, and Zimbabwe—all of which have relatively poor rankings in *Freedom in the World*. The reasons for decline varied: the undermining of pluralism in Burundi, a crackdown on the political opposition in Cameroon, civil strife in the DRC, severe media restrictions and an enhanced environment of fear in Equatorial Guinea, crackdowns against civil society in Gabon, threats to freedom of expression in Gambia, and brutal attacks on the opposition in Zimbabwe. There were also two coups during the year: in Guinea, where military officers seized control after the death of the country's long-ruling dictator, and more significantly in Mauritania, where the military ousted a democratically elected leader and imposed restrictions on the press and freedom of assembly. The action caused Mauritania, which had been designated an electoral democracy the previous year, to be dropped from Partly Free to Not Free status.

Senegal, a country that enjoyed a reputation for adherence to democratic standards, dropped from Free to Partly Free due to a growing authoritarian trend in the policies of President Abdoulaye Wade, exemplified by the postponement of municipal elections. Another country with a record of democratic achievement, Namibia, experienced moderate decline due to the authorities' intimidation of a new opposition party. Nigeria suffered a drop in its political rights rating because of the ruling party's increasing consolidation of power and marginalization of the opposition, as

evidenced by the Supreme Court's ruling against opposition challenges to the results of the deeply flawed 2007 presidential election. One territory, Somaliland, experienced a decline in political rights when the upper house of parliament extended President Dahir Riyale Kahin's term in office and postponed the presidential election.

There were also positive developments in the region during 2008. Zambia's civil liberties rating improved, as did the political rights rating for Comoros. The political rights rating for Cote d'Ivoire also gained ground, a possible sign of overall improvement in a society that has been mired in civil conflict for a number of years. Angola, another country with a history of civil war, registered gains thanks to legislative elections that were judged to be credible despite irregularities.

#### **Asia-Pacific: Welcome Gains for South Asia**

The year's most significant gains for democracy took place in South Asia. Despite generalized political strife and continued terrorism in its tribal areas, Pakistan advanced from Not Free to Partly Free status due to the end of military rule and the election of a parliament and president in balloting that was widely considered free and competitive. Bangladesh, which had also been under military rule, experienced an improvement in its political rights rating due to successful balloting conducted under reformed electoral laws. Other countries in South Asia that registered gains were Bhutan, which moved from Not Free to Partly Free after holding its first competitive elections; Maldives, which moved from Not Free to Partly Free due to an opposition victory in the first multiparty presidential election; Nepal, also after successful national elections; the territory of Pakistani-controlled Kashmir, amid greater openness for opposition parties; and the territory of Indian-controlled Kashmir, where opposition candidates made gains in legislative elections. One other country, Malaysia, showed notable progress thanks to expanded opportunities for the political opposition, fewer restrictions on public protest, and greater pluralism in the media. Thailand experienced a modest upgrade in its political rights rating, though at year's end, the country remained in a state of political turmoil and faced serious threats to the future of its democratic institutions.

In addition to Afghanistan's fall to Not Free status, declines were registered in Burma, due to an intensification of political repression; Fiji, due to government harassment of the press; Papua New Guinea, due to the increased domination of the government by patronage networks; Singapore, due to the politically tinged handling of defamation cases by the courts; and the territory of Tibet, due to a deterioration in freedom of movement stemming from the increased military presence, roadblocks, and other forms of restriction that followed antigovernment demonstrations.

Perhaps the most disappointing development in the region was the failure of China to enact significant democratic reforms, or even gestures toward improved human rights, during its year as the host of the Olympic Games. In the run-up to the games, the leadership of the Communist Party had issued generalized pledges of political change as part of the overall Olympics process. During the games, however, the government strengthened the existing array of restrictions by cracking down on bloggers and internet journalists, placing human rights lawyers under house arrest, jailing democracy activists, and persecuting protesters. The Chinese authorities tightened control over key elements of the judiciary as well as internet portals, and increased the use of extralegal forms of detention, such as reeducation through

labor and psychiatric arrest. Of particular note was the persecution of minorities, including Tibetans and Uighurs, with the latter suffering severe restrictions on their freedom to practice Islam. Other religious believers, including underground Christians and Falun Gong adherents, were also subject to stepped-up controls.

Asia is a complex and varied region whose democratic achievements are often overshadowed by the volatility of certain countries, particularly in South Asia, and the unfortunate presence of some of the world's most repressive regimes. China, North Korea, Burma, Vietnam, and Laos have all resolutely resisted political change, suppressed the opposition, persecuted human rights advocates, and refused to institute anything approaching an independent judiciary. Standing in contrast to these dictatorships are the successes of relatively new democracies like Indonesia, Taiwan, and South Korea, and the ability of India to maintain its democratic standards despite ethnic and religious diversity, widespread poverty, and the serious challenges of political violence and terrorism. During 2008, nine countries in the Asia-Pacific region held successful national elections, collectively refuting the theory that democracy is not compatible with Asian culture.

#### **Middle East and North Africa: Hopeful Signs, but Authoritarianism Prevails**

After several years of modest gains for freedom in the early part of the decade, the MENA region has experienced a period of stagnation. The trend continued in 2008, with little significant movement arising from a part of the world that has proven most resistant to democratic change.

The only country to register a gain, albeit small, was Iraq. The country benefited from ebbing violence, the decline of government-sponsored Shiite militias, and a reduction in political terrorism. Meanwhile, declines were registered in Jordan, whose civil liberties rating dropped due to greater restrictions on freedom of expression and assembly; Bahrain, due to declines in freedom of expression and attempts to dilute the strength of the Shiite majority; Iran, due to the nullification of numerous candidacies for political office and the closure of many media outlets; the Palestinian Authority, due to the persecution of political opponents by both Fatah and Hamas as well as restrictions imposed by Hamas on independent civic organizations; and the Israeli-occupied Palestinian territories, which suffered from border closures, restrictions on freedom of movement, and increased civilian insecurity during the fighting between Israel and Hamas in December.

Since the MENA region was the centerpiece of the Bush administration's Freedom Agenda, the lack of more significant and durable gains for freedom stands as a major disappointment for American policy. During the Bush years, 9 of the region's 18 countries experienced some improvement on the *Freedom in the World* scale, including Saudi Arabia and several of the Gulf states. There were, however, no major breakthroughs; in 2008, as in previous years, Israel was the only country in the region to enjoy a status of Free, although as the occupying power in the Palestinian territories, Israel is largely responsible for the Not Free status of the areas under its control. The countries of the Middle East have had to grapple with the rise of terrorism and religious extremism, the repercussions of the Iraq conflict, and the continuing strife between Israel and the Palestinians, which flared anew at year's end. But for decades, the authoritarian leaders of the region have justified their antidemocratic policies by pointing to such threats. In shining a spotlight on the Middle East's

freedom deficit, the United States has insisted that the countries of the region be evaluated according to the same standards that are applied to the rest of the world. This in itself is a step forward.

#### **Latin America and the Caribbean: Status Quo Despite Turmoil**

Even as they have experienced economic turbulence, an increase in violent crime that has reached epidemic levels in some countries, and the rise of populist demagogues, Latin America and the Caribbean have largely succeeded in maintaining the democratic achievements of the 1980s. As measured by *Freedom in the World*, the Americas region has actually undergone a modest degree of progress during the past three years, a time when most other regions suffered varying levels of decline. This overall progress has featured an impressive improvement in political rights scores, offset by a decline in civil liberties scores, with the most worrying trends involving the freedoms of expression and association.

During 2008, declines were noted in four countries of political significance: Colombia, whose civil liberties rating dropped due to increases in internal displacement and a rise in extrajudicial killings; Nicaragua, whose political rights rating declined due to a growing centralization of control by the government and harassment of opposition parties during municipal elections; Mexico, due to the government's failure to control violent drug cartels; and Venezuela, due to the politically motivated disqualification of opposition candidates and abuse of state resources during state and local elections.

Two improvements were noted: Paraguay, due to free and fair elections that led to the first peaceful transfer of power from the Colorado Party; and Cuba, which saw a modest improvement in civil liberties due to expanded economic rights and social freedoms for homosexuals. Cuba, however, remains among the world's most repressive regimes.

#### **Western Europe and North America: Press Freedom, Immigration, Economic Crisis**

The countries of Western Europe and North America continued to register the highest scores on the *Freedom in the World* scale despite problems in southern Europe, growing challenges to freedom of the press and expression, the ongoing struggle to assimilate large numbers of immigrants from developing countries, and the financial crisis that emerged toward the end of the year.

In the United States, the electoral victory of Democratic presidential candidate Barack Obama, a black member of the Senate, represented a historic moment for a country with a legacy of racial injustice. The election's outcome was greeted with international enthusiasm, and some expressed the hope that it would trigger an enhanced role for nonwhite political figures in Europe and elsewhere. Obama's victory, and the sweeping gains for the Democratic Party in congressional elections, also augured major changes to American counterterrorism policy. During his campaign, Obama pledged to close down the detention facility for terrorism suspects at Guantanamo Bay and institute other reforms that would improve America's adherence to civil liberties standards. While the Bush administration continued to draw sharp criticism for tactics it has employed in the war on terrorism, it has apparently ended certain practices, such as the extraordinary rendition of terrorism suspects to



third countries, and has met with further reversals in the U.S. court system on matters affecting the rights of terrorism suspects. Meanwhile, European countries continue to grapple with terrorism-related issues; high-profile cases have gone to trial in Germany, Britain, and Denmark, and an alleged terrorism network was broken up in Belgium.

Two European countries experienced declines in 2008: Italy, whose civil liberties rating dropped due to increased media concentration under Prime Minister Silvio Berlusconi and the growing influence of organized crime on private business; and Greece, due to an upsurge in violence during riots that gripped the country in December.

The year's developments also suggested that freedom of the press and expression, along with the economic health of the media, would loom as important challenges in the future. Canada faced threats to freedom of expression as government agencies brought charges against journalists who wrote commentaries that were critical of Islam. In Britain, several cases emerged in which journalists and scholars were brought to court on libel charges by individuals from foreign countries—most often countries under authoritarian rule. The problem has prompted press freedom advocates to cite "libel tourism" as a serious menace to intellectual inquiry and the robust exchange of ideas. In the United States, meanwhile, the newspaper industry confronts an economic crisis that has threatened the survival of established, high-circulation papers in a number of major cities.

#### **Conclusion: Under Pressure, Democracy and the Democratic Idea Endure**

While 2008 marked the third consecutive year of decline in global freedom, this should not be interpreted as a major abandonment of democracy or the democratic idea. Recent years have brought a series of dire developments: terrorism, religious extremism, genocide in Darfur, chaotic failed states, civil conflict, the growing influence of economically powerful authoritarian states, America's loss of influence and prestige, and a financial panic whose full impact has still not been felt. Yet despite these and other problems, the setbacks in global freedom have for the most part been modest in nature, driven more by Not Free countries becoming less free than by new or well-established democracies falling under authoritarian rule. Similarly, new democracies have been more likely to fall short in the consolidation of an independent judiciary or other institutions of democratic governance than to engage in wholesale press censorship or the imprisonment of the opposition.

Furthermore, democracy remains the only system of government that commands global respect. While Russia, China, Iran, and Venezuela all represent challenges to the spread of democracy, none has succeeded in creating a political system that can truly compete with democracy and its freedoms. There is in fact no China model or Russia model, and practically no one would want their societies to be governed by Vladimir Putin or the Chinese Communist Party. Indeed, authoritarian leaders routinely insist that their states are democracies, though they often attach qualifying words to indicate the supposed distinctiveness of their systems: sovereign democracy, democracy in formation, managed democracy. In the Middle East, where many disdain the word "democracy," surveys show that when asked whether they prefer dictatorship or elections, free expression or censorship, the right to protest or constraints on that right, a clear majority prefer the rights that, taken together, define political democracy.

It is not the purpose of this report to recommend a course of action to policymakers in the United States or elsewhere. But the new administration in Washington will be assuming office at a time when many voices are proclaiming a global retreat of democracy. Some have argued that emphasizing support for democratic change is contrary to the American national interest and should be jettisoned. In fact, an honest analysis of the state of freedom suggests that democracy is not in disarray or experiencing rollback. Rather, democracy has suffered declines in several parts of the world that are in most cases reversible, even as it faces a major challenge in powerful authoritarian states whose leaders are committed to retaining power at any cost.

As the new administration decides on its own approach to the task of expanding freedom's reach, recent developments, and the data from *Freedom in the World*, suggest certain propositions for policy makers to consider:

1. While, as many have argued, elections are not in themselves sufficient to build successful democracies, they are certainly a prerequisite. Even flawed elections, such as those conducted in Venezuela, can contribute to a democratic resurgence or prevent a potential dictator from consolidating control.

2. More attention must be paid to the suppression of civil society, freedom of association, and freedom of expression. Increasingly, it is NGOs and democracy advocates that constitute the most effective societal forces for reform in authoritarian states. Democracies should monitor the state of freedom of association and labor rights with the same scrupulousness that the United States currently employs in monitoring global religious freedom. This also applies to restrictions on the free flow of information, especially on the internet and other new media platforms.

3. Dissidents and freedom advocates deserve the support and protection of the world's democracies. The emergence of a movement of democracy advocates in China at year's end, under the banner of Charter 08, offers hope that something like a genuine community of dissidents is in formation. But Charter 08 and similar groups will fail to gain a foothold if their programs and personalities are ignored by their allies in established democracies. President Bush set a good example by meeting regularly with dissidents, bloggers, women's rights advocates, and other champions of freedom. It is an example that other democratic leaders should follow.

4. Authoritarian regimes should not be rewarded. When the International Olympic Committee designated Beijing as the host city for the 2008 games, many predicted that the honor would lead to a better human rights environment and enhanced democratic freedoms. These changes never materialized; what the world saw in August was a self-confident totalitarian spectacle. Now Russia has been designated to host the 2014 Winter Olympics, and Kazakhstan will soon assume the chairmanship of the OSCE, an entity that has played a significant role in monitoring democratic performance in the post-Soviet world. While the isolation of dictatorships may prove counterproductive, engagement does not require rewards and honors for governments that imprison the political opposition, close down newspapers, suppress minority cultures, and intimidate neighboring democracies.

5. The leaders of the world's democracies, and especially President Obama, should reject the often unstated premise, that engaging with authoritarian adversaries means ignoring their policies of domestic repression. Democracies have numerous and nuanced instruments—including the tools of traditional diplomacy, public diplo-

macy, and assistance programs—that can be deployed to register disapproval, censure acts of persecution, or shine the light of publicity on a regime's dark corners. In a period when democracy's antagonists are increasingly assertive and its adherents are filled with doubt, the American leadership in particular should develop creative strategies to carry forward the struggle for freedom.

*Katrina Neubauer assisted in the preparation of this report.*

# Introduction

The *Freedom in the World 2009* survey contains reports on 193 countries and 16 related and disputed territories. Each country report begins with a section containing the following information: **population**, **capital**, **political rights** (numerical rating), **civil liberties** (numerical rating), **status** (Free, Partly Free, or Not Free), and a **10-year ratings timeline**. Each territory report begins with a section containing the same information, except for capital. The population figures are drawn primarily from the *2008 World Population Data Sheet* of the Population Reference Bureau.

The **political rights** and **civil liberties** categories contain numerical ratings between 1 and 7 for each country or territory, with 1 representing the most free and 7 the least free. The **status** designation of Free, Partly Free, or Not Free, which is determined by the combination of the political rights and civil liberties ratings, indicates the general state of freedom in a country or territory. The ratings of countries or territories that have improved or declined since the previous survey are indicated by notations next to the ratings. Positive or negative trends that do not warrant a ratings change since the previous year may be indicated by upward or downward trend arrows, which are located next to the name of the country or territory. A brief explanation of ratings changes or trend arrows is provided for each country or territory as required. For a full description of the methods used to determine the survey's ratings, please see the chapter on the survey's methodology.

The **10-year ratings timeline** lists the political rights and civil liberties ratings and status for each of the last 10 years. Each year that is included in the timeline refers to the year under review, *not* the edition of the survey. Thus, the ratings and status from the *Freedom in the World 2009* edition are listed under "2008" (the year that was under review for the 2009 survey edition).

Following the section described above, each country and territory report is divided into two parts: an **overview** and an analysis of **political rights and civil liberties**. The overview provides a brief historical background and a description of major recent events. The political rights and civil liberties section summarizes each country or territory's degree of respect for the rights and liberties that Freedom House uses to evaluate freedom in the world.

# Afghanistan

**Population:** 32,700,000

**Capital:** Kabul

**Political Rights:** 5

**Civil Liberties:** 6\*

**Status:** Not Free



**Status Change:** Afghanistan's civil liberties rating declined from 5 to 6 and its status declined from Partly Free to Not Free due to rising insecurity and increasing corruption and inefficiency in government institutions.

**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	6,6NF	6,6NF	5,6NF	5,5PF	5,5PF	5,5PF	5,6NF

**Overview:**

With the 2009 national elections looming, Afghanistan's government in 2008 faced a critical security situation coupled with a growing crisis of legitimacy. Reform and development efforts continued to fall prey to insecurity, corruption, and inefficiency. Human rights abuses—at the hands of the government, international forces, and local strongmen—remained widespread. Ongoing insurgent and other violence increased during the year, affecting the capital and further hampering local and international organizations as they worked to rebuild Afghanistan's shattered infrastructure and institutions.

After decades of intermittent attempts to assert control and ward off Russian influence in the country, Britain recognized Afghanistan as a fully independent monarchy in 1921. Muhammad Zahir Shah ruled from 1933 until he was deposed in a 1973 coup. Afghanistan entered a period of continuous civil conflict in 1978, when a Marxist faction staged a coup and set out to transform the country's highly traditional society. The Soviet Union invaded to support its allies in 1979, but was defeated by U.S.-backed guerrillas and forced to withdraw in 1989.

The mujahideen guerrilla factions overthrew the Marxist government in 1992 and then battled one another for control of Kabul, killing more than 25,000 civilians in the capital by 1995. The Islamist Taliban movement entered the fray, seizing control of Kabul in 1996 and quickly establishing control over most of the country, the rest of which remained in the hands of other factions. In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign to topple the Taliban regime and eliminate Saudi militant Osama bin Laden's terrorist network, Al-Qaeda.

As a result of the December 2001 Bonn Agreement, an interim administration took office to replace the ousted Taliban. In June 2002, the United Nations oversaw an emergency *loya jirga* (gathering of representatives) that appointed a Transitional

Administration (TA) to rule Afghanistan for a further two years. Interim leader Hamid Karzai won the votes of more than 80 percent of the delegates to become president and head of the TA. Apart from addressing the country's many development challenges, the TA's primary concern was to assert central government authority while curbing the power of regional strongmen.

A new constitution was ratified in January 2004. It described Afghanistan as an Islamic republic and called for a presidential system and a bicameral National Assembly. Another milestone was the 2004 presidential election, the first in more than 30 years. Karzai, the incumbent, won 55 percent of the vote, and in December, he formed a cabinet that was a mix of technocrats and regional power brokers. Relatively peaceful elections were held in September 2005 for the new National Assembly and 34 provincial councils. However, a large number of warlords and others involved in organized crime and human rights abuses were elected.

The new parliament convened in December 2005, and since then it has made little progress on addressing political and economic reforms or passing key legislation. While some analysts had expressed concern that the legislative branch would be weak and largely subservient to the executive, it has often been at odds with the president, making it difficult for him to advance the government's agenda. A new political alliance, the United National Front of Afghanistan (UNFA), formed in February 2007 with the goal of switching to a parliamentary system and empowering a strong prime minister.

The UN-mandated International Security Assistance Force (ISAF), which had been managed by NATO since August 2003, completed the expansion of its security and reconstruction mission from Kabul to the rest of the country in 2006. In addition to the roughly 50,000 ISAF troops, a separate force of about 10,000 U.S. troops pursued a parallel counterterrorism mission. Despite the multinational troop presence and the development of the Afghan army, Afghanistan largely remained under the sway of local military commanders, tribal leaders, warlords, drug traffickers, and petty bandits. Meanwhile, the Taliban extended their influence over vast swaths of territory, particularly in the southern provinces of Kandahar and Helmand.

More than 4,000 civilians, police, soldiers, officials, and foreign aid workers were killed or injured during 2007 by an increasing number of insurgent attacks, air strikes by coalition forces, and recurrent fighting among factional militias and criminal gangs, and trends in 2008 suggested higher mortality rates due to conflict. Casualties among militants have also increased as coalition forces have aggressively engaged them throughout the southern provinces. Civilian casualties have fed resentment among Afghans and prompted repeated protests by the Afghan government. Kidnapping has also emerged as a major concern. Afghans are regularly kidnapped for ransom, while some locals and most foreigners are abducted to force prisoner exchanges or to be killed outright.

Suicide attacks are becoming more frequent, even in Kabul, which was previously regarded as a safe haven. This trend worsened in 2007 and 2008, with civilians continuing to bear the brunt of the violence. The more peaceful west and north of the country have witnessed an increase in attacks on aid workers, journalists, and others, both Afghan and foreign, in an apparent attempt to disrupt development work.

The marked deterioration in security poses a major challenge to the central and

provincial governments' efforts to control areas under their jurisdiction, deliver basic services, and engage in vital reconstruction efforts. It has also had a negative effect on the ability of civil society and humanitarian organizations to operate freely. In 2008, attempts to contain the Taliban insurgency by nonmilitary means continued, partly through "reconciliation" efforts aimed at bringing former antigovernment actors into the official fold before the 2009 presidential elections.

**Political Rights and Civil Liberties:** Afghanistan is not an electoral democracy. While elections have been held, significant problems remain with regard to the political framework, effective governance, and transparency. The directly elected president serves five-year terms and has the power to appoint ministers, subject to parliamentary approval. In the directly elected lower house of the National Assembly, the 249-seat Wolesi Jirga (House of the People), members stand for five-year terms, and in the 102-seat Meshrano Jirga (House of Elders), two-thirds of members are indirectly elected by the provinces while one-third are appointed by the president. At least 68 of the Wolesi Jirga seats are reserved for women, while 10 are reserved for the nomadic Kuchi community. Provisions for women's representation have also been made for the Meshrano Jirga and provincial councils.

The October 2004 presidential election was judged to be relatively free and fair despite allegations of intimidation by militias and insurgent groups, partisanship within the electoral administration, and other irregularities. Legislative elections originally scheduled for 2004 were postponed until September 2005 to allow more time for the government to map out district boundaries, conduct a census, enact election laws, and improve the security situation. These polls were also marred by what the electoral commission termed "serious localized fraud," intimidation, some violence, and other irregularities, although the overall results were broadly accepted by Afghans and the international community.

The elected central government is treated as legitimate by various regional strongmen, but its effective authority over many areas outside Kabul remains limited. Observers have expressed concern that more than half of elected members of parliament maintain ties to armed groups or are former warlords implicated in past human rights abuses. The balance of power between the executive and the legislature, as well as between the appointed provincial governors and newly elected local bodies, remains contentious and subject to negotiation. Current political conflicts between the two branches center on the timing of the 2009 presidential election, with the National Assembly insisting that it be held in May 2009 to uphold the terms of the constitution, and the president and international community expressing concerns about security and the country's ability to conduct free and fair elections by spring.

Restrictions on political activity continue. Levels of political freedom are higher in urban centers, but violence, insecurity, and repression prevail nationwide. Critics have warned that the 2003 Political Parties Law's vague language could be exploited to deny registration to parties on flimsy grounds. In addition, analysts viewed the adoption of the single-nontransferable-vote system for the 2005 legislative elections as a disadvantage for new political parties. Parties lack a formal role within the legislature, which further weakens their ability to contribute to stable political, policy

making, and legislative processes. There were a number of violent incidents against members of the Afghan government, including assassination attempts on President Karzai.

Corruption, nepotism, and cronyism are rampant, and woefully inadequate salaries exacerbate corrupt behavior by public sector workers. Apart from security, donors and other observers maintain that corruption and waste in the government are the foremost challenges to the country's sustainable development. Afghanistan was ranked 176 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Afghan media continue to grow and diversify but faced rising threats in 2008, mostly in the form of physical attacks and intimidation. Though a new media law was sought to clarify press freedoms and limit the involvement of government in the workings of the free press, a growing number of journalists have been arrested, threatened, or harassed by politicians, security services, and others in positions of power as a result of their coverage. The most high-profile case of intimidation against the press has been that of Parwez Kambakhsh, a journalist with the daily newspaper *Janan-e-Naw*, who was originally sentenced to death for blasphemy in January 2008, though his sentence was commuted to 20 years imprisonment in October. Media diversity and freedom are markedly higher in Kabul than elsewhere in the country, but some local warlords display limited tolerance for independent media in their areas. Dozens of private radio stations and several private television channels currently operate. Some independent outlets and publications have been criticized by conservative clerics for airing programs that "oppose Islam and national values," or fined by the authorities for similar reasons. The use of the internet and mobile telephones continues to grow rapidly and has broadened the flow of news and other information, particularly for urban Afghans.

Religious freedom has improved since the fall of the ultraconservative Taliban government in late 2001, but it is still hampered by violence and harassment aimed at religious minorities and reformist Muslims. The new constitution establishes Islam as the official religion. Blasphemy and apostasy by Muslims are considered capital crimes. While faiths other than Islam are permitted, non-Muslim proselytizing is strongly discouraged. A 2007 court ruling found the minority Baha'i faith to be a form of blasphemy, jeopardizing the legal status of that community. Hindus, Sikhs, and Shiite Muslims—particularly those from the Hazara ethnic group—have also faced official obstacles and discrimination by the Sunni Muslim majority. Militant groups have occasionally targeted mosques and clerics as part of the larger civil conflict.

Academic freedom is not officially restricted. In an effort to counter the teaching of extremist ideologies in Taliban-dominated religious schools, the government announced plans in 2007 to open state-run madrassahs. Militant attacks on schools worsened in 2006 and 2007, but the trend reversed somewhat in 2008. Meanwhile, the quality of school instruction and resources remains poor, and higher education is subject to bribery and prohibitively expensive for most Afghans.

The constitution has formally restored rights to assembly and association, subject to some restrictions, but they are upheld erratically from region to region. Police and other security personnel have occasionally used excessive force when confronted with demonstrations or protests.



The work of hundreds of international and Afghan nongovernmental organizations (NGOs) is not formally constrained by the authorities, but their ability to operate freely and effectively is impeded by the worsening security situation and increasingly confining bureaucratic rules. Both foreign and Afghan NGO staff have been targeted for kidnapping or violent attack by criminals and insurgents, and security incidents against NGOs are on the rise. Civil society activists, particularly those who focus on human rights or accountability issues, continue to face some threats and harassment. Despite broad constitutional protections for workers, labor rights are not well defined, and there are currently no enforcement or dispute-resolution mechanisms. Child labor is reportedly common.

The judicial system operates haphazardly, and justice in many places is administered on the basis of a mixture of legal codes by inadequately trained judges. Corruption in the judiciary is extensive, and judges and lawyers are often subject to threats from local leaders or armed groups. Traditional justice remains the main recourse for the population, particularly in rural areas. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform. Prison conditions are extremely poor, with many detainees held illegally, and a massive June 2008 prison break by the Taliban in Kandahar freed hundreds of inmates. Some warlords, political leaders, and the national intelligence agency maintain their own prisons and do not allow access to detainees. Human Rights First also reported on poor judicial standards and practices applied to Afghan detainees transferred from U.S. custody at Guantanamo Bay, revealing further shortcomings in the legal system.

In a prevailing climate of impunity, government ministers as well as warlords in some provinces sanction widespread abuses by the police, military, and intelligence forces under their command, including arbitrary arrest and detention, torture, extortion, and extrajudicial killings. The Afghan Independent Human Rights Commission (AIHRC), which was formed in 2002 and focuses on raising awareness of human rights issues as well as monitoring and investigating abuses, receives hundreds of complaints of rights violations each year. In addition to the abuses by security forces, reported violations have involved land theft, displacement, kidnapping, child trafficking, domestic violence, and forced marriage.

Human Rights Watch has documented numerous cases of abuse of Afghan detainees by U.S. forces over the past several years, and eight detainees are confirmed to have died while in U.S. custody. Few of the U.S. service personnel involved have been charged or punished. Human Rights First reports that Afghan detainees who are handed over by the U.S. government face further loss of rights and liberty at the hands of Afghan officials.

The Afghan National Army continued to grow in 2008, with strong donor support. Existing soldiers are reportedly well trained and have participated ably in a variety of counterterrorism operations. In contrast, the National Police are plagued by inadequate training, illiteracy, corruption, involvement in drug trafficking, and high levels of desertion. The intelligence service, the National Directorate of Security, lacks transparency and stands accused of serious human rights violations.

An estimated 2,000 illegally armed groups, with as many as 125,000 members, continue to operate. A voluntary disarmament, demobilization, and reintegration (DDR) program targeting irregular militia forces between 2003 and 2005, and the fol-

low-up Disbandment of Illegal Armed Groups (DIAG) initiative, succeeded in demobilizing over 60,000 militiamen and collected a considerable amount of weaponry. However, the disarmament process never evolved to the enforcement stage as planned, and international programs supported by the United States, Britain, and Canada to rearm informal militias as a counterinsurgency force are actively undermining efforts to curtail and regulate the use of illegal arms. The question of sidelining illegally armed groups from political life remains contentious, and will be even more significant in the country's elections in 2009 and 2010 as Afghan law demands such groups be excluded from elections, but Afghan institutions lack the will and capacity to enforce this ban. Such groups continue to entrench and reinforce their power bases through legitimate and illegitimate means, and ultimately pose a permanently troubling threat to stability and good governance.

More than 150,000 civilians remain displaced within the country; some 100,000 more have been displaced in the last two years as a result of increased fighting. Humanitarian agencies and Afghan authorities are ill-equipped to deal with the displaced. Factors like the poor security situation and widespread land-grabbing have prevented refugees from returning to their homes, and many congregate instead around major urban centers. In the absence of a properly functioning legal system, the state remains unable to protect property rights.

Women's formal rights to education and employment have been restored, and in some areas, women are once again participating in public life. Women accounted for about 10 percent of the candidates in the 2005 parliamentary elections, and roughly 41 percent of registered voters were women. However, female participation was limited by threats, harassment, and social restrictions on traveling alone and appearing in public. Despite women's political gains, social discrimination and violence remain pervasive, with domestic violence occurring in an estimated 95 percent of households, according to one survey. Women's choices regarding marriage and divorce remain circumscribed by custom and discriminatory laws, and the forced marriage of young girls to older men or widows to their husbands' male relations is a problem. Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF. However, in March 2007 the Supreme Court approved a new formal marriage contract stipulating that the bride must be at least 16, a move welcomed by activists who hope that it will lead to fewer underage marriages. As a result of increasing lawlessness, women and children are subject to abduction, trafficking, and sexual violence.

## Albania

**Population:** 3,200,000

**Capital:** Tirana

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,5PF	4,5PF	3,4PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

The government of Prime Minister Sali Berisha was shaken in March 2008 by twin scandals involving Albania's stockpile of aging munitions. Defense Minister Fatmir Mediu resigned that month, and his parliamentary immunity was lifted in June. As prosecutors pursued that and other cases against senior officials, the parliament in December passed two laws that could increase political control over the criminal justice system, as well as an electoral code that would bolster larger parties and their leaders.

Ruling from World War II until his death in 1985, communist dictator Enver Hoxha turned Albania into the most isolated country in Europe. The regime began to adopt more liberal policies in the late 1980s, and multiparty elections in 1992 brought the Democratic Party (PD), led by Sali Berisha, to power. Continuing poverty and corruption weakened Berisha's government, and in 1997, the collapse of several popular pyramid investment schemes resulted in widespread violence.

From 1997 to 2005, Albania was ruled by the Socialist Party (PS). In the 2005 legislative elections, the opposition PD ultimately obtained 56 of 140 seats, with another 24 controlled by its allies. While the poll was not free from fraud, it was praised for bringing Albania's first post-communist rotation of power without significant violence.

The intense rivalry between the PD and PS caused systematic paralysis in advance of the February 2007 local elections, and the voting was criticized by the Organization for Security and Cooperation in Europe (OSCE). Although the PD won in most races, the PS overwhelmingly won mayoral posts in larger cities. In July 2007, the parliament elected PD candidate Bamir Topi as Albania's new president.

Berisha's government was plagued throughout 2008 by corruption scandals, including two involving Albania's Hoxha-era munitions stockpile. On March 15, a series of explosions at a weapons depot near Tirana killed 26 people, injured 300, and displaced some 3,000 others. Later that month, press reports implicated the leadership in an illegal scheme to export aging Chinese-made ammunition to Afghanistan as part of a U.S. government contract. Facing considerable international pressure, the parliament in June lifted the immunity of Fatmir Mediu, who had resigned

as defense minister in March. In July, Prosecutor General Ina Rama filed murder charges against the head of Albania's arms-trading agency and two private contractors for the depot explosions. The death of a key witness in the export scandal in September fed the opposition's claims of a government cover-up, though an investigation later deemed the death accidental. Critics of two bills passed with government support in December said they would undermine judicial independence and hamstring the ongoing corruption probes.

The proper dismantling of the munitions stockpile was one of the conditions for accession to NATO. Nevertheless, the alliance formally invited Albania to join in April 2008, and induction was expected in 2009. Meanwhile, the country was attempting to implement judicial and anticorruption reforms as part of a 2006 Stabilization and Association Agreement with the European Union (EU). An EU progress report in November 2008 found that corruption, including in the judiciary, remained a serious challenge.

### **Political Rights and Civil Liberties:**

Albania is an electoral democracy. However, parliamentary elections held in 2005 were judged to have complied only partially with international standards. Of the 140 seats in the current unicameral Kuvendi Popullor (People's Assembly), 100 were filled through single-member district races and 40 by proportional representation. All members serve four-year terms. The prime minister is designated by the majority party or coalition, and the president—who does not hold executive powers but heads the military and plays an important role in selecting senior judges—is chosen by the parliament for a five-year term.

Despite their sharp, personality-driven rivalry, the two major political parties, the PD and the PS, cooperated in April 2008 to pass constitutional amendments replacing the parliament's single-member districts with a regional proportional-representation system that would disadvantage smaller parties. The electoral commission in June rejected a bid by opponents of the changes to submit them to a referendum. A new electoral code was passed in December, implementing the new system and stipulating that party leaders would select the slates of candidates. In the last elections, the PD and PS took a combined 98 of the 140 seats. The new code also allowed for the election of the president by a simple majority—rather than the previous supermajority—of the parliament, reducing the need for multiparty consensus. The country's Greek minority is represented mostly through the Union for Human Rights party, which has three seats. Other minorities are poorly represented and participate minimally in public life.

Corruption is pervasive, and the EU called for rigorous implementation of anti-corruption measures in its 2008 progress report. Prime Minister Sali Berisha, his family, and other top officials were suspected of profiting from the arms-export scheme unveiled in March 2008. In separate cases of corruption related to road-building projects, former deputy transport minister Nikolin Jaka and several other officials received short prison sentences in May, and former transport minister Lulzim Basha—the current foreign minister—was charged in November. Prosecutor General Ina Rama has pursued these and other corruption cases despite government resistance; her predecessor was removed by Berisha and the parliament in 2007 after he sought to lift Basha's parliamentary immunity. In December 2008, the parliament

passed a bill that granted the government and legislature more oversight of prosecutors and their investigations, potentially limiting the independence of Rama's office. Albania was ranked 85 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While the constitution guarantees freedom of expression, the intermingling of powerful business, political, and media interests inhibits the development of independent outlets. Suits against journalists for legitimate criticism are common, and reporters are still subject to intimidation and physical attacks by those facing media scrutiny. Berisha routinely denigrates the media, and his government has placed financial pressure on critical outlets. In September 2008, broadcast regulators fined television station News 24 for airing an advertisement by a nongovernmental organization (NGO) that derided Berisha's use of public funds to produce progovernment ads. The station was accused of violating a law banning political ads outside campaign periods. In December, the government moved to evict a critical newspaper, *Tema*, from its offices in a state-owned building. The government does not limit internet access.

The constitution provides for freedom of religion, and it is usually upheld in practice. The government generally does not limit academic freedom, although the education minister controls the appointment of university officials. It was reported in March 2008 that the Education Ministry had certified fake degrees, including a law degree for a member of parliament; the politician allegedly assaulted a reporter who confronted him on the issue.

Freedoms of association and assembly are generally respected. Independent NGOs are active, and their influence on the government is slowly growing. The constitution guarantees workers the rights to organize and bargain collectively, and with the exception of military personnel, civil servants, and the police, all workers have the right to strike. However, effective collective bargaining remains limited, and contracts are often difficult to enforce.

The constitution provides for an independent judiciary, but the courts are subject to political pressure. The judiciary and law enforcement agencies are inefficient and prone to corruption, and judicial proceedings can be unjustifiably delayed. Enforcement of court decisions is weak, especially when they go against government interests; President Bamir Topi has reportedly complained that a third of all court orders are not enforced. In December, the parliament narrowly passed a vaguely worded lustration law that would allow a five-member commission to purge judges and prosecutors based on their role in the communist regime. Opposition lawmakers boycotted the vote, and the bill was criticized by the Council of Europe and the OSCE. Opponents said it could result in the unconstitutional dismissal of many top judges and cripple ongoing corruption cases.

The 2008 EU progress report found that much greater enforcement was needed to reduce excessive force and ill-treatment by police. It also noted very poor prison conditions, including overcrowding, and praised Albania's human rights ombudsman, who had clashed with police over brutality cases.

High-level crimes associated with the Balkan wars of the 1990s have gone unpunished. In 2008, current tax-service chief Arben Sefgjini was facing trial along with three former security-service colleagues for the 1995 torture and murder of a man who may have witnessed conversations between then president Berisha and Yugoslav leader Slobodan Milosevic about oil smuggling. In May 2008, Berisha

appeared to admit to Italian journalists that he had violated a UN arms embargo by shipping munitions to friendly parties during the Balkan wars.

Weak state institutions have augmented the power of crime syndicates, and Albania is reportedly a key transshipment point for drug smugglers. Traditional tribal law and revenge killings are practiced in parts of the north.

Roma face significant social and economic marginalization, but other minorities are well integrated. The constitution mandates that all minorities have the right to receive education in their native language. In 2008, an ethnic Greek mayor who has advocated regional autonomy was indicted for removing road signs on the grounds that they were not bilingual.

Women are vastly underrepresented in most governmental institutions. As of 2008, only 2 of 14 government ministers and 9 of 140 members of parliament were women. Women who seek redress against domestic abuse are often ignored by the authorities, who generally lack training on such issues. Albania is a source country for trafficking in women and children, with the latter accounting for as many as half of those sent abroad. In June 2008, two teachers' unions reported that there were more than 40,000 child workers in Albania who had dropped out of school. Untrained women and children were reportedly employed at the munitions depot that exploded in March, and dozens of Romany women and children were later arrested for scavenging metal at the blast site.

## Algeria

**Population:** 34,700,000

**Capital:** Algiers

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review

Political Rights, Civil Liberties, Status									
1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

The security situation in Algeria worsened in 2008, as the terrorist group Al-Qaeda in the Islamic Maghreb continued to attack military, government, and foreign targets in the country. In June, President Abdelaziz Bouteflika appointed Ahmed Ouyahia as prime minister, a post he had first held under the military-dominated regime of the 1990s. The appointment was seen as a sign that the military, never far from politics, was returning to a certain level of prominence. Separately, the Parliament in November overwhelmingly passed constitutional changes that would allow Bouteflika to seek a third term in 2009.

Unlike many other French colonies, Algeria was considered an integral part of France, leading to an especially bloody war of independence that stretched from 1954 to 1962. In 1965, the military overthrew the country's first president, Ahmed Ben Bella, and installed Houari Boumediene in his place. The military dominated Algerian politics for the next four decades, backing the National Liberation Front (FLN) to the exclusion of all other parties for most of that time.

Economic upheaval, spurred in large part by the 1986 oil-market collapse, culminated in violent riots in 1988. Once peace was restored that year, President Chadli Benjedid permitted the establishment of legal opposition parties. Islamist groups quickly gained popularity in the face of the government's failures, and the Islamic Salvation Front (FIS) became the main opposition faction. By late 1991 and early 1992, it was apparent that the FIS was poised to win the scheduled parliamentary elections, prompting the army to intervene. It canceled the elections, forced Benjedid from office, and summarily imprisoned FIS leaders under a declared state of emergency.

Over the next decade, various Islamist groups engaged in a bloody civil conflict against the military and one another. All sides targeted civilians and perpetrated large-scale human rights abuses, causing well over 150,000 deaths and the disappearance of at least 6,000 people. Journalists and intellectuals were targeted as well; the conflict remains one of the deadliest for journalists in history.

In 1999, as the fighting continued, the military-backed candidate—former foreign minister Abdelaziz Bouteflika—handily won a presidential election after his opponents withdrew to protest alleged fraud. Bouteflika's first attempt at resolving the civil war was the promulgation of a civil harmony law, which granted partial amnesty to combatants who renounced violence. A few thousand militants surrendered, but the more uncompromising groups—the Armed Islamic Group (GIA) and the Salafist Group for Preaching and Combat (GSPC), which later renamed itself Al-Qaeda in the Islamic Maghreb (AQIM)—continued to kill government personnel and civilians. Attacks slowly subsided over the next several years, although there were occasional outbursts of violence and the government continued to commit human rights abuses.

The FLN secured 199 of 389 seats in the 2002 elections for the lower house of Parliament, while the army-backed National Democratic Rally (RND) fell from 155 seats to just 48. Islah, an Islamist "reform" party, won 43 seats, and the Movement for a Peaceful Society (MSP) took 38. The remaining seats went to leftist and Islamist parties or independents. Elections to the upper house in 2003 left the FLN with 22 seats; the RND, 17; the MSP, 4; and Islah, 2; one seat went to an independent candidate. In April 2004, Bouteflika won reelection with 85 percent of the vote. The poll was not a model of free and fair elections, but international monitors found that it was free of serious problems. The army was officially neutral, and Bouteflika began to distance himself from the military.

In September 2005, Algerians approved a referendum on the Charter for Peace and National Reconciliation. The document essentially offered a general amnesty to most militants and government agents for crimes committed during the civil war. It also called for victims to receive compensation. Although it received 97 percent support in the referendum, victims' groups criticized the charter for not addressing the issue of the disappeared, and international human rights groups denounced it for not allowing perpetrators to be brought to justice. Critics also maintained that the vague criteria for determining which militants could benefit from the amnesty were subject to

political considerations. While many FIS leaders have been released from prison, they have not been integrated into the political structure in any meaningful way.

Elections for Parliament's lower house in May 2007 drew a turnout of just 35 percent, the lowest in Algerian history. Many opposition groups, both Islamist and leftist, asked supporters not to participate, arguing that the results would be rigged. AQIM also called for a boycott, but the group's popular support was minimal. The FLN lost 63 seats in the voting, though it remained the largest party with 136. The RND took 61 seats, the Rally for Culture and Democracy (RCD) won 19, and the MSP captured 52. Islah retained just 3 seats.

Algeria was racked by terrorist attacks aimed at government and foreign targets in both 2007 and 2008. The security situation was less precarious than during the civil war, but the attacks unnerved the population. A series of bomb attacks in June killed at least 16 soldiers, a number of medical workers, and a French engineer working in Algeria. In August 2008, an attack was directed at a group of men waiting to take the police academy exam, killing more than 40 people in the town of Issers. AQIM-affiliated groups were suspected of perpetrating the attacks.

### **Political Rights and Civil Liberties:**

Algeria is not an electoral democracy. However, Algerian parliamentary elections are more democratic than those in many other Arab states. The military still plays an important role in politics despite fluctuations in its prominence in recent years. The June 2008 appointment of Ahmed Ouyahia as prime minister in a cabinet shuffle appeared to signal an increase in military influence, as he had first held the post as part of the military-dominated regime of the 1990s.

The president is directly elected for five-year terms, and constitutional amendments passed in November 2008 would allow President Abdelaziz Bouteflika to seek a third term in 2009. The amendments, approved 500-21 in a joint session of Parliament and without recourse to a referendum, also increased the president's powers relative to the premiership and other entities, drawing criticism from segments of the press and opposition parties.

The People's National Assembly (APN), the lower house of the bicameral Parliament, has 389 members serving five-year terms. The upper house, the National Council (CN), has 144 members serving six-year terms. Members of the APN are elected by direct universal suffrage. In the CN, 96 members are chosen through indirect elections by local assemblies, and the president appoints the remaining 48.

The Ministry of the Interior must approve political parties before they can operate legally. While there are dozens of active political parties, movements that are deemed too radically Islamist are outlawed, and many of the Islamist groups that were banned in the 1990s remain illegal. Parties close to the president and prime minister dominate the legislative branch, meaning laws sought by the government are passed with relative ease.

High levels of corruption still plague Algeria's business and public sectors. In its 2008 Corruption Perceptions Index, Transparency International ranked Algeria 92 out of 180 countries surveyed.

Private newspapers have been published in Algeria for nearly two decades, and journalists have been aggressive in their coverage of government affairs. Journalists still face an array of government tools designed to control the press, but current restrictions bear little resemblance to those during the peak of the civil war in the



mid-1990s, when journalists and intellectuals were regularly murdered for their work. While Arabic- and French-language satellite channels are popular, the government keeps tight control over local television and radio broadcasts. The government monitors web content to some extent, but it has not policed the internet as aggressively as do neighbors like Tunisia.

International press freedom groups continued to document numerous cases of legal harassment of critical journalists in 2008. Journalists rarely serve prison sentences, as cases tend to stall in the courts indefinitely, but defamation remains a criminal offense. According to the U.S.-based Committee to Protect Journalists, reporter Nouredine Boukraa in October 2008 received a suspended three-month jail term and a fine for disclosing "confidential" information in a 2007 article, in which he had alleged that security officials may have abused their positions for personal gain. Also during 2008, several cases were brought against the private daily *El-Watan*. At least two of the verdicts resulted in two-month prison terms, but all of the journalists involved remained free pending appeal. In addition to its restrictions on local journalists, the government sometimes expels foreign reporters who run afoul of its interests.

Algeria's population is overwhelmingly Sunni Muslim, and the small non-Muslim communities are able to practice their faiths without systematic harassment. However, proselytizing by non-Muslims is illegal, and the government in February 2008 began enforcing an ordinance that tightened restrictions on minority faiths. Two formerly Muslim converts to Christianity were sentenced to six months in prison in July 2008 for proselytizing. Given Algeria's civil conflict, security services monitor mosques for radical Islamist activity. Academic freedom is largely respected.

As terrorist attacks continued to disturb the country in 2008, the government grew increasingly wary of large public gatherings and restricted freedom of assembly and association. The police sometimes disperse peaceful gatherings, and the government generally discourages demonstrations featuring clear or implicit criticism of the authorities. Permits are required to establish nongovernmental organizations (NGOs). Those with Islamist leanings are regarded with suspicion by the government. Workers can establish independent trade unions. The main labor federation, the General Union of Algerian Workers (UGTA), has been criticized for being too close to the government and failing to advance workers' interests aggressively.

The judiciary is not independent and is susceptible to government pressure. The human rights situation remains poor, though there have been significant gains since the peak of the civil war. International human rights activists have accused the security forces of practicing torture. In July 2008, Human Rights Watch demanded that the government reveal the whereabouts of Abderrahmane Houari and Mustafa Ahmed Hamlily, who had been repatriated to Algeria earlier that month after spending years in U.S. custody at the Guantanamo Bay military base.

Algeria's ethnic composition is a mixture of Arabs and Berbers. Those who identify themselves as Arabs have traditionally formed the country's elite. In the last few years, following outbreaks of antigovernment violence in the Berber community, officials have made more of an effort to recognize Berber cultural demands. Tamazight, the Berber language, is now a national language.

While most citizens are free to move throughout the country and abroad with little government interference, the authorities closely monitor and limit the movement of suspected terrorists. The long-standing state of emergency permits the

government to restrict where certain people live and work. In addition, men of military draft age are not allowed to leave the country without government consent.

Women continue to face discrimination at both the legal and societal levels. Under the family code, which is based on Islamic law, women do not enjoy equal rights in marriage, divorce, and inheritance.

## Andorra

Population: 100,000

Capital: Andorra la Vella

Political Rights: 1

Civil Liberties: 1

Status: Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**In 2008, Andorra faced mounting international pressure to increase its financial transparency and end its status as a tax haven. Among other reforms enacted during the year, the country eased foreign ownership restrictions for locally based companies.**

As a co-principality, Andorra was ruled jointly for 715 years, from 1278 to 1993, by French and Spanish leaders; since 1607, this has involved the French head of state and the bishop of Seu d'Urgel, Spain. The 1993 constitution retained the titular co-princes but transformed the government into a parliamentary democracy. Andorra became a member of the United Nations that year and a member of the Council of Europe in 1994, but it is not a member of the European Union (EU).

In April 2005, the country held national elections, returning the Liberal Party of Andorra (PLA) to power with 42 percent of the vote and 14 out of the 28 seats in the Consell General (parliament). However, the PLA lost the absolute majority it had gained in the 2001 elections. The Social Democratic Party (PS) doubled its support, winning 12 seats. The remaining two seats were taken by CDA-S21, a union of the two center-right parties (Andorran Democratic Center Party, or CDA, and Century 21, or S21). PLA leader Marc Fome stepped down as *cap degovern* (executive council president) and was replaced by former foreign minister Albert Pintat Santolaria.

In 2004, Andorra had agreed to participate in the EU Savings Tax Directive, which provides a way to tax revenue from savings accounts held by EU citizens in a member state other than their country of residence or in certain non-EU countries; it took effect in July 2005. The Pintat government has continued to implement reforms required by the Organization for Economic Cooperation and Development (OECD) to remove the country from its list of uncooperative tax havens.

In October 2008, a group of 17 countries led by France and Germany demanded a renewed crackdown on tax havens, asking the OECD to expand its list of uncooperative countries and lay out possible penalties for continued failure to reform. However, Andorra was already taking some steps to open its economy. Legislation that took effect in November allowed foreign investors to own up to 49 percent of company capital in key sectors, such as real estate and ski resorts, an increase from the previous 33 percent. It also allows investors to take full control of companies in 200 smaller sectors and plans to lift all foreign investment restrictions within six years. Earlier in the year, new rules began requiring local businesses to register with the government and file accounts according to international standards.

**Political Rights and Civil Liberties:** Andorra is an electoral democracy. About 80 percent of registered voters participated in 2005 elections for the Consell General, which selects the executive council (cabinet) president, or head of government. Popular elections to the 28-member Consell are held every four years. Half of the members are chosen in two-seat constituencies known as parishes, and the other half are chosen through a national system of proportional representation.

The people have the right to establish and join different political parties, and an opposition bloc exists. However, more than 60 percent of the population consists of noncitizens, who have no right to vote.

Transparency International did not review and rank Andorra in its 2008 Corruption Perceptions Index. However, the country implemented several financial reforms during the year in an attempt to open its economy.

Freedom of speech is respected across the country. There are two independent daily newspapers (*Diari d'Andorra* and *El Periodic d'Andorra*), and residents have access to broadcasts from neighboring France and Spain as well as unrestricted internet access.

Although the constitution recognizes the state's special relationship with the Roman Catholic Church, the government no longer subsidizes the Church. Religious minorities like Mormons and Jehovah's Witnesses are free to seek converts. Despite years of negotiations between the Muslim community and the government, a proper mosque for the country's roughly 2,000 Muslims has still not been built, and requests to convert public buildings or a former church for the purpose have been turned down. The government does provide the Muslim community with public facilities for various religious functions. Academic freedom is respected.

Freedoms of assembly and association are generally respected, and domestic and international human rights organizations operate freely. Although the government recognizes that both "workers and employers have the right to defend their own economic and social interests," there is neither an explicit right to strike nor legislation penalizing antiunion discrimination. A law regulating collective bargaining has been expected from the parliament for some time. There have been few advances in labor rights since the creation of a registry for associations in 2001, which enabled trade unions to gain the legal recognition that they previously lacked.

The judicial system, which is based on Spanish and French civil codes, does not include the power of judicial review of legislative acts. Police can detain suspects for up to 48 hours without charging them. The country does not maintain a

military force and depends on France and Spain for defense. Prison conditions meet international standards.

The European Commission against Racism and Intolerance criticized Andorra in 2003 for its restrictive naturalization criteria. A person can become a citizen only by marrying a resident Andorran or by living in the country for more than 25 years. Prospective citizens are also required to learn Catalan, the national language. Although they do not have the right to vote, noncitizen residents receive most of the social and economic benefits of citizenship.

Immigrant workers, primarily from North Africa, complain that they lack the rights of citizens. Although about 7,000 such immigrants have legal status, many hold only "temporary work authorizations." Temporary workers are in a precarious position, as they must leave the country when their job contract expires.

Citizens have the right to own property, and legislation passed in November 2008 increased the percentage that noncitizens may own in companies in key sectors to 49 percent. All foreign investment restrictions are expected to be lifted within six years.

Women enjoy the same legal rights as men, although they are underrepresented in government. Today, only four women occupy seats in the parliament. There are no specific laws addressing violence against women, which remains a problem, though in October 2008 the country signed on to the Say No to Violence Against Women campaign run by the UN Development Fund for Women (UNIFEM). There are no government departments for women's issues or government-run shelters for battered women. Abortion is illegal, except to save the life of the mother.

## Angola

**Population:** 16,800,000

**Capital:** Luanda

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



**Trend Arrow:** Angola received an upward trend arrow due to the holding of long-delayed legislative elections that were considered to be credible despite some irregularities.

### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

Angola held long-awaited legislative elections in September 2008, resulting in a sweeping victory for the ruling party. The elections were marred by serious irregulari-

**ties, particularly in Luanda. Nonetheless, both domestic and international observers found that the results reflected the people's will. Meanwhile, tensions remained raised between the government and factions of the secessionist Front for the Liberation of Cabinda (FLEC) group.**

Angola was at war for nearly three decades following independence from Portugal in 1975. The 1991 Bicesse Accord temporarily ended fighting between the rebel National Union for the Total Independence of Angola (UNITA) and the government, controlled by the Popular Movement for the Liberation of Angola (MPLA), a Marxist group. The accord disintegrated when UNITA leader Jonas Savimbi, having lost the first round of a UN-supervised presidential election in 1992, once again took up arms. The collapse of a 1994 peace agreement (the Lusaka Protocol), ineffective sanctions, and the shooting down of two UN planes caused the United Nations to end its peacekeeping mission in Angola in 1999. After a 2002 ceasefire between UNITA and the MPLA, spurred by Savimbi's death earlier that year and formalized in the Luena Memorandum of Understanding, UNITA appeared committed to peace and subsequently transformed itself into Angola's largest opposition party. About 80,000 former rebel soldiers were demobilized, and 5,000 were integrated into the armed forces and police.

The conflict claimed an estimated one million lives, displaced more than four million people, and forced over half a million to flee to neighboring countries; according to a 2007 estimate by the Office of the UN High Commissioner for Refugees (UNHCR), some 410,000 Angolans had returned home in the previous four years, while about 190,000 continued to live outside the country. Many resettled people—particularly those in the peripheral provinces—remained without land, proper shelter and food, health care, jobs, education, or even identification documents. The resettlement process was slowed by the presence of an estimated 500,000 land mines and a war-ruined infrastructure, which continued to make large tracts of the country inaccessible to humanitarian aid. In 2007, the UNHCR formally concluded its voluntary repatriation program for Angolan refugees.

Legislative elections, delayed repeatedly since 1997, were finally held in September 2008. As expected, the ruling MPLA won a sweeping victory, taking 82 percent of the vote and 191 of 220 seats; UNITA placed second among 14 parties, with 10 percent of the vote and 16 seats. While both domestic and international observers found that the results reflected the people's will, they were less than free and fair. The run-up to the election was marred by instances of political violence, pro-MPLA bias in the state media, and other problems, and many polling places in the capital failed to open on election day. UNITA accepted the outcome after an initial challenge of the Luanda vote was rejected by the electoral commission.

The government has been fighting secessionists in the northern exclave of Cabinda intermittently since 1975. Angola is Africa's second-largest oil producer, although Cabinda accounts for 60 percent of Angola's oil revenues. In 2006, the government signed a peace agreement with former Front for the Liberation of Cabinda (FLEC) leader Antonio Bento Bembe, the ostensible representative of an umbrella grouping of secessionists. However, several factions denounced the agreement and vowed to keep fighting, and while between 80 and 90 percent of FLEC fighters have reportedly either joined the army or demobilized, some violence has continued. In

March 2008, a FLEC faction killed three Angolan soldiers and a foreign worker in separate attacks.

Angola's economy has benefited from an oil boom in recent years. China has funded major projects to rehabilitate the country's infrastructure, and in 2007 Angola cancelled negotiations with the International Monetary Fund (IMF), claiming it no longer needed the fund's conditional support. Nevertheless, corruption and mismanagement have prevented the country's wealth from reaching most residents. Eighty-five percent of the population engages in subsistence agriculture, and the United Nations estimates that 68 percent of the population lives on less than \$1 a day. The oil boom has led to a significant reduction in donor funding for humanitarian programs.

### Political Rights and Civil Liberties:

Angola is not an electoral democracy. Long-delayed legislative elections held in September 2008, while largely reflective of the people's will, were not free and fair. The National Assembly, whose members serve four-year terms, has little power, and 90 percent of legislation originates in the executive branch. The president, who is supposed to serve five-year terms, directly appoints the prime minister, cabinet, and provincial governors. Presidential elections, repeatedly delayed since 1997, are scheduled for 2009.

Over eight million voters were registered before the legislative elections, which were contested by 14 parties. However, the MPLA benefited from a highly advantageous electoral framework. The National Electoral Commission (CNE) is dominated by MPLA loyalists, and relied on resources provided by executive ministries. It denied opposition parties access to the voter registry and delayed accrediting domestic monitors not aligned with the government, according to Human Rights Watch (HRW). In addition, the government released state funding for opposition parties later than mandated, and the MPLA exploited additional state resources to fund its own campaign, including preelection handouts to voters, particularly in Cabinda.

On election day, voting in Luanda—home to between one-quarter and one-third of registered voters—was marred by serious irregularities. Late delivery of ballot papers forced polling to be extended by a day, and 320 polling stations failed to open. In addition, monitors reported that voter rolls were not widely accessible and were not used to check voter identities even when available. Observers from the Southern Africa Development Community (SADC) declared the elections "transparent and credible," while their counterparts from the African Union went so far as to call them "free and fair." However, European Union observers, though classifying the polls as "an advance for democracy," did not believe them to be free and fair, a judgment shared by some domestic monitoring groups and human rights organizations.

UNITA remains the most significant opposition party facing the ruling MPLA; only three other parties won seats in the National Assembly in 2008. While political violence has decreased significantly since 2002, UNITA leader Isaias Samakuva claims that 13 party members were killed for political reasons in 2006 and 2007, a claim the government denies. Violence increased in the run-up to the latest elections. According to HRW, suspected UNITA supporters in Huambo and Bie provinces were targeted. Local chiefs also faced occasionally violent pressure to prevent UNITA from gathering support. However, the government provided security for opposition rallies around the country.

Corruption and patronage are endemic in the government, and bribery often underpins business activity. In 2005, a World Bank survey found that outdated, poorly implemented, and corruption-prone regulations made Angola one of the world's most hostile environments for microenterprise. A 2007 report by the Norway-based Chr. Michelsen Institute found extreme opacity and serious weaknesses in state budget-making, budget execution, and related institutions. In September 2008, UNITA claimed to have documents showing that the MPLA had used \$42 million from the state-owned Angola Development Bank for its electoral campaign. The bank said the documents were forged. Angola was ranked 158 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Media restrictions became less stringent after 2002, but despite constitutional guarantees of freedom of expression, journalists remain subject to intimidation, dismissal, detention, and legal sanction by authorities; the result is self-censorship. Defamation of the president or his representatives and libel are criminal offenses, punishable by imprisonment or fines. In June 2008, the director of the independent weekly *Semanario Angolense* was sentenced to six months in prison for defaming a former justice minister. The 2006 Press Law ended the state monopoly on television broadcasting, called for the creation of a public broadcaster that ensures the "right of citizens to inform, seek information, and be informed," and allowed journalists to use truth as a defense in libel and defamation trials. However, the law includes restrictive provisions concerning journalistic "duties," journalists' access to information, the right to practice journalism and to establish new media outlets, and the registration of both journalists and media outlets with the government.

The only daily newspaper, national radio station, and dominant television stations are state owned. In December 2008, however, the country's first private television station, TV Zimbo, was launched. In the run-up to the 2008 elections, the state broadcaster covered the campaigns of all parties, but an outsized portion of regular news bulletins were dedicated to the MPLA's campaign. The daily newspaper also ran pictures of the president on the front page nearly every day during the campaign period. Private media outlets are often denied access to official information and events, and they report problems with funding. In addition, officials pressure independent media to portray the government in a more favorable light. There are several independent weeklies and radio stations in Luanda that criticize the government, but the state dominates media elsewhere. As of 2008, authorities continued to prevent the outspoken Roman Catholic radio station Radio Ecclesia from broadcasting outside Luanda. In July, the government suspended Radio Despertar's broadcasts for 180 days because the station was broadcasting beyond its licensed range of 50 kilometers outside Luanda. Internet access is limited to a small elite, as most citizens lack computers or even electricity.

Religious freedom is widely respected, despite colonial-era statutes that ban non-Christian religious groups. The educational system barely functions, suffering from underpaid and often corrupt teachers and severely damaged infrastructure. According to UNICEF, 47 percent of girls and 53 percent of boys attended primary school in 2006.

The constitution guarantees freedoms of assembly and association. Increasingly, authorities are allowing opposition groups to hold demonstrations in Luanda, though crackdowns are common in the interior. The right to strike and form unions

is provided by the constitution, but the MPLA dominates the labor movement and only a few independent unions exist. Hundreds of nongovernmental organizations (NGOs) and civic groups operate in Angola, many of them demanding political reform, government accountability, and human rights protections. Churches in particular have grown more outspoken. However, in 2007 the government accused several organizations of illegal activities and threatened to close them down. In April 2008, the government ordered the local office of the UN High Commissioner for Human Rights to cease activities and leave the country by the end of May. Ahead of the elections, the government accused the local Association for Justice, Peace, and Democracy (AJPD) of having illegal statutes and threatened to close the organization; a court decision to that effect was pending at year's end.

The judiciary is subject to extensive executive influence, though courts occasionally rule against the government. The government has yet to establish a Constitutional Court, as mandated by the constitution. Supreme Court judges are appointed to life terms by the president without legislative input or approval. Local courts rule on civil matters and petty crime in some areas, but a lack of training and infrastructure, a large backlog of cases, and corruption inhibit access to and functioning of the judiciary. Despite government efforts to train more municipal magistrates, municipal courts are rarely operational. As a result, traditional or informal courts are utilized.

Lengthy pretrial detention is common, and prisoners are subject to torture, severe overcrowding, sexual abuse, extortion, and a lack of basic services. Despite increased resources and human rights training, security forces continue to commit abuses with impunity. An estimated four million weapons in civilian hands threaten to contribute to lawlessness, and the diamond-mining industry is afflicted by murders and other abuses by government and private security personnel. The government created a national justice ombudsman's office in 2005, but civil society groups objected to their exclusion from the process.

Accusations of severe rights abuses, including extrajudicial executions, have been leveled throughout the duration of the Cabinda conflict. In 2007, UN investigators reported that 15 civilians were being held incommunicado at military bases in Cabinda under charges of "crimes against the state"; according to HRW, they were tortured and held in inhumane conditions. One of the civilians, journalist Fernando Lelo, was sentenced along with four rebels to 12 years in prison in September 2008.

Eight provinces (about 50 percent of the country) contain areas that were heavily mined, restricting freedom of movement. At least 80,000 people have lost limbs to mines over the years.

Angolans have the right to own property, but it is very problematic in practice. Since 2003, forced evictions from informal settlements in and around Luanda—usually without adequate notice, compensation, or resettlement—have displaced 20,000 people and destroyed over 3,000 homes, according to HRW and SOS Habitat. The government claims the residents are trespassing on state land that is needed for development purposes. Land laws passed in 2004, requiring the registration of ownership within three years, have generally been welcomed in rural areas and opposed in urban areas.

Women enjoy legal protections and occupy cabinet positions and National As-



sembly seats, but de facto discrimination and violence against women remain common, particularly in rural areas. Women are often killed or injured by land mines as they search for food and firewood. Child labor is a major problem, and there have been reports of trafficking in women and children for prostitution or forced labor. A recent study by the state's National Children's Institute and UNICEF found "a significant and growing" trend of abuse and abandonment of children accused of witchcraft after the death of a family member, usually from AIDS.

## Antigua and Barbuda

Population: **100,000**  
Capital: St. John's

Political Rights: 2  
Civil Liberties: 2  
Status: Free



Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,3PF	4,2PF	4,2PF	4,2PF	4,2PF	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

**In 2008, Prime Minister Baldwin Spencer and his United Progressive Party sparred with the opposition as both sides sought an advantage in the upcoming 2009 elections. In July, a British couple on their honeymoon was found murdered in their hotel, forcing the issue of rising crime to the top of the government's agenda.**

Antigua and Barbuda, a member of the Commonwealth, gained independence from Britain in 1981. In 1994, Vere Bird of the Antigua Labour Party (ALP) stepped down as prime minister in favor of his son Lester. In the run-up to that year's elections, three opposition parties joined forces to form the United Progressive Party (UPP), which campaigned on a social democratic platform emphasizing the rule of law and good governance. Lester Bird and the ALP triumphed handily in both the 1994 and 1999 elections, but the government continued to be dogged by scandals.

In March 2004 elections, after a hard-fought and at times vitriolic campaign, the UPP, led by Baldwin Spencer, defeated the ALP. It took 12 seats in the 17-seat lower house, and its ally, the Barbuda People's Movement (BPM), won the seat representing Barbuda. The ALP was reduced to four seats. The elections brought an end to the Bird political dynasty, which had dominated politics in Antigua and Barbuda since 1976.

In the spring of 2006, police arrested ALP activist James "Tanny" Rose, a talk-show host on the Bird-owned Radio ZDK and a notorious critic of the UPP government. He was charged with wrongdoing related to advertising commissions and sales during his tenure as director general of the state radio service. Rose was freed in 2007, when the courts threw out the government's case against him.

Antigua and Barbuda prevailed in a major trade dispute with the United States in February 2007, when the World Trade Organization (WTO) ruled that U.S. restrictions aimed at Antigua's online gambling industry violated international law. In December, a WTO arbitration panel ruled that Antigua and Barbuda was entitled to collect up to US\$21 million in compensation annually by waiving intellectual property rights on U.S. music and books.

During 2008, the ruling UPP prepared for elections due the following year, while opposition groups attempted to draw attention to rising crime and incidents of government corruption.

**Political Rights and Civil Liberties:** Antigua and Barbuda is an electoral democracy. The 1981 constitution establishes a parliamentary system, with a governor-general representing the British monarch as ceremonial head of state. The bicameral Parliament is composed of the 17-seat House of Representatives (16 seats for Antigua, 1 for Barbuda), to which members are elected for five-year terms, and an appointed Senate. Of the senators, 11 are appointed by the governor-general on the advice of the prime minister, 4 on the advice of the parliamentary opposition leader, 1 on the advice of the Barbuda Council (an 11-member local government body that runs Barbuda's internal affairs), and 1 at the governor-general's discretion. Antigua and Barbuda's prime minister is typically the leader of the majority party or coalition that emerges from the legislative elections.

Political parties can organize freely. In 2008, the government initiated reform of the electoral system by establishing the Antigua and Barbuda Electoral Commission (ABEC) to review electoral laws and redraw constituency boundaries, create a new voter registry, and introduce voter identification cards. Nonetheless, opposition members expressed concern that the reforms would be hastily implemented in the run-up to parliamentary elections, which are due by March 2009.

Although the government introduced anticorruption and integrity legislation in 2002 and passed a bill in 2004 to improve governmental transparency, implementation has been slow. The 2004 Integrity of Public Life Act requires that public officials make an annual declaration of assets. In 2005, the country became the fourth member of the Organization of Eastern Caribbean States to ratify the Inter-American Convention against Corruption, which requires public officials to declare their assets and liabilities, improves cooperation on anticorruption efforts, and strengthens corporate accounting practices. Elected officials faced charges of corruption and vote buying as the 2009 election season approached, and the issue of campaign finance reform emerged as public spending for candidates was called into question. Antigua and Barbuda was not ranked by Transparency International in its 2008 Corruption Perceptions Index.

Antigua and Barbuda generally respects freedom of expression and freedom of the press, but in practice, media outlets are concentrated among a small number of firms affiliated with either the current government or its predecessor. The Bird family continues to control television, cable, and radio outlets. The government owns one of three radio stations and the public television station. In 2007, the government expelled two journalists from the country, one from Dominica and the other from Trinidad and Tobago, thereby violating the Caribbean Community's freedom of

movement clause for journalists. The Association of Caribbean Media Workers expressed its "absolute condemnation" of the expulsions.

The government respects religious and academic freedom.

Nongovernmental organizations and labor unions can organize freely. The Industrial Court mediates labor disputes, but public-sector unions tend to be under the sway of the ruling party. Demonstrators are occasionally subject to police harassment.

The country's legal system is based on English common law. The ALP government manipulated the nominally independent judicial system, which was powerless to address corruption in the executive branch. The UPP has since sought to increase the transparency of public affairs through new legislation and to establish clear guidelines for investment practices.

The islands' security forces are composed of the police and the small Antigua and Barbuda Defence Forces. The police generally respect human rights; basic police reporting statistics, however, are confidential. The country's prison is in primitive condition, and the abuse of inmates has been reported, though visits by independent human rights groups are permitted.

The government has responded to higher levels of crime with increased patrols, the reintroduction of roadblocks, and stiffer fines for firearms violations. The authorities attribute the crime to a new trend of gun possession among youth and an influx of criminal deportees, with links to the drug trade, from the United States and Europe. In July 2008, a British couple on their honeymoon was killed in a double homicide that occurred during a bungled robbery. The Antiguan government responded by hiring four retired commissioners from the Royal Canadian Mounted Police in an effort to strengthen the police force. In October, the police force was shaken when one of its recruits was accused of rape, and the officer was suspended from the force pending the outcome of judicial proceedings scheduled in early 2009.

The 2005 Equal Opportunity Act bars discrimination on the basis of race, gender, class, political affinity, or place of origin. Social discrimination and violence against women remain problems, however. The governmental Directorate of Women's Affairs has sought to increase awareness of women's legal rights. In 2008, Antigua and Barbuda initiated a program to subsidize early childhood education that would help address gender inequities.

# Argentina

**Population:** 39,700,000

**Capital:** Buenos Aires

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	1,2F	3,3PF	3,3PF	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

President Cristina Fernandez de Kirchner suffered a major defeat in the Senate in July 2008 after she attempted to increase agricultural export taxes by presidential decree.

The proposed increase led to months of strikes by farmers, who were supported by the majority of Argentines. The botched handling of the tax dispute contributed to greater opposition from within the president's own Peronist party. Combined with rising inflation and slowing economic growth, this led to a drastic fall in her approval rating, to just over 20 percent, and curbed her ability to exploit the centralization of power achieved by her predecessor and husband, Nestor Kirchner.

Argentina gained independence from Spain in 1816. Democratic rule was often interrupted by war and military coups over the following century. The end of Juan Peron's populist and authoritarian regime in 1955 led to a series of right-wing military dictatorships that spawned left-wing and nationalist violence. Argentina returned to elected civilian rule in 1983, after seven years under a far-right military regime whose repression of leftist guerrillas and other real or suspected dissidents was known as the dirty war.

Provincial governor Carlos Menem, running on an orthodox Peronist platform of nationalism and state intervention in the economy, won a six-year presidential term in 1989 amid hyperinflation and food riots. As president, however, he implemented—mostly by decree—an economic liberalization program and unconditionally allied the country with the United States. While traditional Peronists criticized his policies as betrayals of the party's principles, his convertibility plan, which pegged the peso to the U.S. dollar through a currency board, finally ended the country's chronic bouts of hyperinflation.

Buenos Aires mayor Fernando de la Rúa, of the center-left Alianza coalition, was elected president in October 1999. Facing an opposition-controlled National Congress, de la Rúa sought to cut spending, raise taxes, and push forward an anti-corruption agenda and unpopular labor reforms. De la Rúa reappointed Menem's former economy minister in an effort to restore government credibility and stave off a default on Argentina's public sector debt. Record unemployment and reduced

and delayed wages to government workers, effects of the highly overvalued and inflexible currency, spurred social mobilization and protests with an intensity that had not been seen for nearly a generation.

In December 2001, government efforts to stop a run on Argentina's banking system sparked widespread protests along with riots and looting. As the death toll reached 27, de la Rúa resigned. He was replaced by an interim president, who was himself forced to quit less than a week later. On December 31, Menem's former vice president, Eduardo Duhalde, was selected by Congress as Argentina's new president. A steep devaluation of the peso and a debilitating default on its foreign debt left Argentina teetering on the brink of political and economic collapse throughout 2002. Unemployment soared to levels unheard of since the founding of the republic, and violent crime spiraled out of control.

Nestor Kirchner, a little-known governor from the Patagonia region and a member of the Justicialist Party (PJ, commonly known as the Peronist Party), was elected president in April 2003. While working to stabilize the economy, Kirchner quickly moved to purge the country's military and police leadership of authoritarian elements. Seeking to make human rights a trademark of his administration, Kirchner also took steps to remove justices from the highly politicized Supreme Court—considered the country's most corrupt institution—and signed a decree that permitted the extradition of former military officials accused of human rights abuses.

The 2004 admission by the International Monetary Fund (IMF) that it had contributed to the Argentine economic crisis, and the role international financial institutions and private banks had played in financing the hated military in earlier decades, gave the Kirchner government unaccustomed room to maneuver in repaying foreign creditors. After making some efforts to put a brake on government spending, Kirchner presided over a long-hoped-for economic recovery bolstered by high international soya prices and increased demand for Argentina's principal exports. However, corruption and extrajudicial action by the country's law enforcement institutions continued to be a major problem, particularly in Buenos Aires province.

By March 2005, Economy Minister Roberto Lavagna was able to declare an end to the three-year battle to restructure Argentina's defaulted debt, with more than three-fourths of the holders of Argentine foreign bonds agreeing to a nonnegotiable offer of 30 cents on the dollar. The economy grew, and unemployment and poverty rates began to show improvement. Economic stability, along with the achievement of the largest debt reduction ever by a developing country, helped the Peronists increase their legislative majority in the October 2005 legislative elections.

In 2006, Kirchner implemented a series of measures to centralize political and economic power in the executive branch. Congress granted the president the authority to reallocate government spending as he saw fit, as long as the overall appropriation remained the same. Kirchner also changed the tax system to limit the influence of historically powerful provincial governors and created new, state-owned enterprises while nationalizing privatized ones, such as the postal service and Buenos Aires's water utility company.

Nestor Kirchner was able to pass this concentrated power to his wife, Senator Cristina Fernandez de Kirchner, after she won the October 2007 presidential election by a comfortable margin and took office on December 10. In practice, she began to govern in tandem with her husband. The new president experienced numerous chal-

lenges during her first year in office, most notably a standoff with Argentina's agricultural sector stemming from her administration's failed attempt to increase export taxes on certain farm products. Her March 2008 tax decree prompted months of strikes and roadblocks and the resignation of the economy minister. The president suffered a major defeat in the Senate in July, when her own vice president cast the tie-breaking vote against the tax measure. Kirchner's once-strong political alliance and majority in Congress were fractured after the farmers' standoff, reducing the power her husband had amassed as president.

Nestor Kirchner also left a legacy of corruption scandals that continued to cause problems for his wife. In March 2007, government officials were accused of receiving improper payments from a large gas-line project. Then, in June 2007, the economy minister was forced to resign after more than \$60,000 was found in her office bathroom. The series of scandals also hit the defense minister, who was accused of tax evasion. Finally, in August 2007, a suitcase filled with \$800,000 in cash was seized from a Venezuelan businessman at the Buenos Aires airport; the funds were allegedly an illicit campaign contribution from Venezuela's state oil company, *Petroleos de Venezuela*, to Senator Kirchner. U.S. authorities subsequently charged four Venezuelan men who had attempted to cover up the origins and intended destination of the suitcase. In the trial that ensued in September 2008, testimony implicated both the Argentine and Venezuelan governments, and it was also revealed that another case with \$4.2 million may have breached Argentine customs.

**Political Rights and Civil Liberties:** Argentina is an electoral democracy. As amended in 1994, the constitution provides for a president elected for four years, with the option of reelection for one additional term. Presidential candidates must win 45 percent of the vote, or 40 percent with a 10-point lead, to avoid a runoff. The National Congress consists of the 257-member Chamber of Deputies, directly elected for four years, with half of the seats up for election every two years; and the 72-member Senate, directly elected for six-year terms, with one-third of the seats up for election every two years. The general elections in October 2007 were considered free and fair.

The right to organize political parties is generally respected. Major parties include the PJ; the Front for Victory, another Peronist grouping; the centrist Radical Civic Union (UCR), factions of which support the Peronists; the center-left Support for a Republic of Equals (ARI); and the center-right Republican Initiative Alliance (PRO). The Peronists have been a dominant force in politics since 1946.

Former president Nestor Kirchner's government initially made anticorruption efforts a central theme, and Decree 1172/03 established the public's right to information and other transparency guarantees. However, subsequent corruption scandals tainted his administration and undermined this decree, revealing a degree of entrenched corruption that has continued under the presidency of his wife. Argentina was ranked 109 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is guaranteed by law, and government meddling in the press is not nearly as heavy-handed as during the presidency of Carlos Menem. A June 2008 ruling by the Supreme Court unanimously asserted the press's right to criticize government officials. However, officials are still accused of verbally mis-

treating independent journalists, and provincial governments continue to manipulate official advertising to favor media outlets they consider friendly. After five years of debate in Congress, a freedom of information bill was rejected in 2006.

The constitution guarantees freedom of religion. Nevertheless, Argentina's Jewish community, the largest in Latin America, is a frequent target of discrimination and vandalism. Neo-Nazi and other anti-Semitic groups remain active, and the memory of the 1994 bombing of a Jewish cultural center still looms. No one has been convicted of the bombing, although the Argentine judiciary has formally accused Iran of responsibility, and arrest warrants were issued in 2006 for the eight individuals suspected of involvement in the attack. The case has been complicated by Iran and Argentina's close ties to and reliance on Venezuelan president Hugo Chavez.

Academic freedom is a cherished Argentine tradition and is largely observed in practice.

The rights to freedom of assembly and association are generally respected. Civic organizations are robust and play a major role in society, although some fall victim to Argentina's pervasive corruption. Labor is dominated by Peronist unions. Union influence, however, has diminished dramatically in recent years because of corruption scandals and internal divisions.

Menem's manipulation of the judiciary undermined the country's separation of powers and the rule of law. Although positive steps were taken under Nestor Kirchner, including the appointment of magistrates of professional quality, the tenure of scores of incompetent and corrupt judges remains a serious problem. Moreover, in February 2006, Congress voted to change the composition of the body responsible for selecting judges, making it less professional and more political.

Police have been accused of misconduct, including a growing number of extrajudicial executions. The Buenos Aires provincial police have been involved in drug trafficking, extortion, and other crimes. Arbitrary arrests and abuse by police are rarely punished in the courts owing to intimidation of witnesses and judges, particularly in Buenos Aires province. The torture of detainees in police custody in the province is endemic, and the provincial penal service is rife with corruption. Prison conditions remain substandard throughout the country.

In June 2005, the Supreme Court ruled that laws passed in the 1980s to protect the military from prosecution—justified at the time as a way to help avoid a military coup—were unconstitutional, thus making Argentina a world leader in efforts to fight military impunity. The decision laid the foundation for the prosecution of other military crimes. Nestor Kirchner's aggressive pursuit of former officials involved in the dirty war included the 2006 sentencing of a police sergeant connected with the military junta, and the reversal of presidential pardons granted by Menem to three military leaders. One of these, Jorge Videla, was transferred to prison in October 2008 after being under house arrest. In addition, former president Isabel Peron (1974–76), Juan Peron's third wife, was detained in Spain in 2007 for her alleged role in the disappearance of students during her time in power. In October 2007, a former priest was sentenced to life in prison for his complicity in the dirty war. A former navy captain, Ricardo Cavallo, was charged in June 2008 with 431 cases of kidnapping, abuse, and disappearance, and was later extradited to Argentina from Spain to await trial.

Argentina's indigenous peoples represent between 3 and 5 percent of the total population, and are largely neglected by the government. Approximately 70 percent

of the country's rural indigenous communities lack title to their lands. While the Nestor Kirchner administration returned lands to several communities, most such disputes remain unresolved. On a positive note, an indigenous candidate was elected to the Chamber of Deputies in 2007.

In 2002, Buenos Aires became the first South American city to pass a domestic partnership law, and the country as a whole is considering following its lead by allowing same-sex unions.

Women actively participate in politics in Argentina, as reflected by the 2007 election of Senator Cristina Fernandez de Kirchner as president and decrees mandating that one-third of Congress members be women. However, domestic abuse remains a serious problem, and child prostitution is reported to be on the rise. An estimated 3,000 children are homeless in Buenos Aires, double the number prior to Argentina's 2001 economic collapse.

## Armenia

**Population:** 3,100,000

**Capital:** Yerevan

**Political Rights:** 6\*

**Civil Liberties:** 4

**Status:** Partly Free



**Ratings Change:** Armenia's political rights rating declined from 5 to 6 due to the inability of the opposition to successfully compete for political power in the 2008 presidential election, as well as the violent dispersal of opposition protesters and continued detention of more than 100 people arrested in the aftermath of the voting.

*Note:* The numerical ratings and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	4,4PF	4,4PF	4,4PF	4,4PF	5,4PF	5,4PF	5,4PF	5,4PF	6,4PF

### Overview:

Prime Minister Serzh Sarkisian was credited with 53 percent of the vote in the February 2008 presidential election, prompting backers of the opposition candidate, former president Levon Ter-Petrosian, to protest the official results in early March. In the ensuing violent crackdown by the authorities, 10 people were killed, including a policeman, and more than 200 others suffered injuries. International human rights monitors cited numerous irregularities in the election process, which exposed deep flaws, unresolved political grievances, and entrenched corruption within the Armenian political system.



After a short period of independence amid the turmoil at the end of World War I, the predominantly Christian Transcaucasus republic of Armenia was divided between Turkey and the Soviet Union by 1922. Most of the Armenian population in the Turkish portion was killed or driven abroad during the war and its aftermath, but those in the east survived Soviet rule. The Soviet republic of Armenia declared its independence in 1991, propelled by a nationalist movement that had gained strength after the reformist Mikhail Gorbachev became the Soviet leader in the 1980s. The movement had initially focused on demands to transfer the substantially ethnic Armenian region of Nagorno-Karabakh from Azerbaijan to Armenia; Nagorno-Karabakh was recognized internationally as part of Azerbaijan, but by the late 1990s, it was held by ethnic Armenian forces who claimed independence. Prime Minister Robert Kocharian, the former president of Nagorno-Karabakh, was elected president of Armenia in March 1998.

Parliamentary elections in May 1999 resulted in victory for the Unity bloc, a new alliance of Defense Minister Vazgen Sarkisian's Republican Party and former Soviet Armenian leader Karen Demirchian's People's Party, which campaigned on a platform of greater state involvement in the economy and increased social spending. In June, Sarkisian was named prime minister and Demirchian became speaker of the National Assembly.

The country was thrust into a political crisis on October 27, 1999, when five gunmen stormed into the National Assembly and assassinated Sarkisian, Demirchian, and several other senior government officials. The leader of the gunmen, Nairi Hunanian, maintained that he and the other assailants had acted alone in an attempt to incite a popular revolt against the government. Allegations that Kocharian or members of his inner circle had orchestrated the shootings prompted opposition calls for the president to resign. Due to a stated lack of evidence, however, prosecutors did not press charges against Kocharian, who gradually consolidated his power during the following year.

Kocharian was reelected in 2003 through a presidential vote that was widely regarded as flawed. He defeated Stepan Demirchian, son of the late Karen Demirchian, in a March runoff with 67 percent of the vote. The Organization for Security and Cooperation in Europe (OSCE) described the elections as falling short of international standards and alleged widespread ballot-box stuffing. During the runoff, authorities placed more than 200 opposition supporters in administrative detention for over 15 days; the detainees were sentenced on charges of hooliganism and participation in unsanctioned demonstrations. The Constitutional Court rejected appeals by opposition leaders to invalidate the election results, although it did propose holding a "referendum of confidence" on Kocharian within the next year to allay widespread doubts about the validity of the election returns; Kocharian rejected the proposal. In response to the problems associated with the election, opposition parties boycotted sessions of the National Assembly. Protest rallies were mounted from April to June 2004 over the government's failure to redress the flawed 2003 presidential vote, but police violently dispersed them with water cannons, batons, and stun grenades.

A constitutional referendum held in November 2005 was designed to reduce presidential power and clarify the separation of powers between the judicial, executive, and legislative branches. Official results showed that 94 percent of participating

voters endorsed the proposed changes, with a turnout of 64 percent. However, opposition parties, which advocated more drastic reforms, and a small contingent of monitors from the Parliamentary Assembly of the Council of Europe (PACE), questioned the veracity of those figures, citing evidence of sparse voter turnout, forged voter lists, and ballot-box stuffing.

The Republican Party, led by Prime Minister Serzh Sarkisian—a close ally of President Kocharian—took the largest portion of the vote in the May 2007 parliamentary elections, winning control of 65 seats in the 131-seat National Assembly. Two other major pro-presidential parties took 41 seats, giving the government a clear majority. Opposition parties confronted disadvantages regarding media coverage and the abuse of state administrative resources ahead of the vote.

The results of the parliamentary elections set the stage for the presidential vote on February 19, 2008. Five days after the balloting, the Central Election Commission announced results, showing Sarkisian with 52.8 percent and the main opposition candidate, former president Levon Ter-Petrosian, with 21.5 percent. The opposition disputed the results, which gave Sarkisian the majority he needed to avoid a runoff vote. Peaceful opposition demonstrations that began on February 21 turned violent a week later when the police engaged the protesters. According to the OSCE, 10 people were killed and more than 200 were injured during the clashes. Outgoing president Kocharian declared a 20-day state of emergency, and more than 100 people were arrested in the wake of the upheaval, many of whom remained in detention at year's end. The final observation report of the OSCE election observer mission stated that Armenia's election code "provides a sound basis to conduct democratic elections," and that "deficiencies in implementation resulted primarily from a lack of sufficient will to implement legal provisions effectively and impartially."

While meetings were held under the aegis of the OSCE's Minsk Group, the long-running diplomatic effort to resolve the Nagorno-Karabakh conflict was not successful in 2008. In a promising symbolic step for the improvement of Turkish-Armenian relations, Turkey's president, Abdullah Gul, was invited by President Sarkisian to Armenia in September 2008; the Armenian president used the occasion of a soccer match between the two countries' national teams as the impetus for this invitation.

**Political Rights and Civil Liberties:** Armenia is not an electoral democracy. The unicameral National Assembly is elected for four-year terms, with 90 seats chosen by proportional representation and 41 through races in single-member districts. Before electoral reforms in 2005, there had been 56 proportional-representation seats and 75 single-mandate seats. The president is elected by popular vote for up to two five-year terms.

Elections since the 1990s have been marred by serious irregularities. At the exhortation of the Council of Europe, the government adopted modifications to the election code in 2005 and 2006. The amended code provided for a more balanced composition of election commissions, though concerns remained about the potential for fair administration of the election process. For example, the OSCE cited the abolition of the quorum for election commissions to make decisions as a potential concern.

The May 2007 parliamentary vote was described by the OSCE as an improvement over previous polls, albeit with shortcomings. The OSCE's final report noted

that the campaign of the Republican Party, which took the largest portion of the vote, overlapped with a longer-running Defense Ministry celebration of the Armenian army's 15th anniversary, helping to blur the lines between the party and the state; Serzh Sarkisian, the head of the Republican Party, was also the minister of defense. The marginal improvements cited in 2007 were not sustained in 2008, as the vote count, media environment, and reliance on administrative resources in the presidential election campaign offered the candidacy of Prime Minister Sarkisian an overwhelming advantage.

Bribery and nepotism are reported to be common among government bureaucrats, and government officials are rarely prosecuted or removed for abuse of office. Corruption is also believed to be a serious problem in law enforcement. In July 2008, the government announced a new five-year initiative to combat graft, though previous campaigns have not made meaningful headway against the country's deeply entrenched culture of corruption. Armenia was ranked 109 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

There are limits on press freedom in Armenia. The authorities use informal pressure to maintain control over broadcast media—the chief source of news for most Armenians—including state-run Armenian Public Television (HI) and most private channels, whose owners are loyal to the president. The independent television station A1+ was shuttered by a government licensing decision in 2002, and it appealed its case to the European Court of Human Rights in Strasbourg. The court ruled in June 2008 that the National Council on Television and Radio's consistent rejection of the station's applications for a new frequency ran counter to the European Convention on Human Rights. It fined the Armenian government 30,000 euros but stopped short of requiring the authorities to grant A1+ access to the airwaves. The slanted media environment afforded Sarkisian, the chosen successor of outgoing president Robert Kocharian, a dominant position in communicating with the public during and after the 2008 presidential election campaign. In its final observation report on the election, the OSCE noted that "the CEC and the National Council for Television and Radio (NCTR) did not ensure that media met its obligations, and media bias was evident." The criminal code still includes libel as a criminal offense, and violence against journalists is a problem. In August 2008, Hrach Melkumian, acting head of Radio Free Europe/Radio Liberty's Yerevan bureau, was brutally attacked and injured by an unknown assailant. The authorities do not interfere with internet access.

Freedom of religion is generally respected, and most registered religious groups reported no serious legal impediments to their activities. The Armenian Apostolic Church, to which 90 percent of Armenians formally belong, enjoys some privileges that are not afforded to other faiths. As of mid-2008, 78 Jehovah's Witnesses were serving prison terms for refusing military service.

The government generally does not restrict academic freedom. In 2002, the Ministry of Education ordered the compulsory display of portraits of the president and the head of the Armenian Apostolic Church in secondary schools. The history of the Apostolic Church is a required school subject.

Open and free private discussion could be affected by a controversial law, passed in October 2007, that allows law enforcement officials to eavesdrop on telephone conversations without a warrant. Opponents of the law fear it will enable government surveillance of the political opposition, journalists, and others.

The authorities' violent response to election-related protests in 2003 and 2004 represented a low point for freedom of assembly in Armenia. The PACE in 2005 condemned the government's use of violence and administrative detention against protesters. In response to such criticism, the government in October 2005 revised the law on organizing meetings, assemblies, rallies, and demonstrations, taking into account most of the recommendations of the OSCE Venice Commission. However, in the aftermath of the March 2008 clashes, the government reimposed restrictions on freedom of assembly. As of October 2008, at least 70 people remained in jail, including a number of high-profile opposition members.] Shortly after taking office as president, Sarkisian fired the head of the State Protection Service, Grigory Sarkisian (no relation), and national police chief Lieutenant General Hayk Harutiunian. This may have been an effort by the new president to distance himself from officials who played a significant part in the postelection crackdown. President Sarkisian also commissioned a five-member group of experts to conduct a fact-finding probe into the violence.

Registration requirements for nongovernmental organizations (NGOs) are cumbersome and time-consuming. Some 3,000 NGOs are registered with the Ministry of Justice, although many of them are not active in a meaningful way. While the constitution provides for the right to form and join trade unions, labor organizations are weak and relatively inactive in practice.

The judicial branch is subject to political pressure from the executive branch and suffers from considerable corruption. Police make arbitrary arrests without warrants, beat detainees during arrest and interrogation, and use torture to extract confessions. Cases of abuse go unreported out of fear of retribution. Prison conditions in Armenia are poor, and threats to prisoner health are significant.

Although members of the country's tiny ethnic minority population rarely report cases of overt discrimination, they have complained about difficulties in receiving education in their native languages. Members of the Yezidi community have sometimes reported discrimination by police and local authorities.

Citizens have the right to own private property and establish businesses, but an inefficient and often corrupt court system and unfair business competition hinder such activities. Key industries remain in the hands of so-called oligarchs and influential cliques who received preferential treatment in the early stages of privatization.

According to the current election code, women must comprise 15 percent of a party's list for the proportional representation seats and hold every 10th position on party lists, an improvement over the rules for the 2003 parliamentary elections. Domestic violence and trafficking in women and girls for the purpose of prostitution are believed to be serious problems.

## Australia

**Population:** 21,300,000

**Capital:** Canberra

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

The new Labor Party government of Prime Minister Kevin Rudd worked to undo some of the most unpopular policies of its conservative predecessor in 2008. Among other moves, Rudd ended Australia's combat role in Iraq in June and issued a formal apology to Aborigines for the abuses they have suffered. He also ended the "Pacific Solution" policy, under which asylum seekers, including children, were placed in detention centers in Nauru and Papua New Guinea. The government, however, opened a new detention center on Christmas Island in December. Quentin Bryce became Australia's first female governor-general in September.

The first British settlement in Australia was founded in 1788, and the continent's self-governing colonies united as a commonwealth in 1901. Since World War II, political power has alternated between the center-left Labor Party and a conservative coalition of the Liberal Party and the smaller, rural-based National Party. John Howard led the Liberal-National coalition government from 1996 to 2007, making him one of the longest-serving prime minister in Australia's history.

Increased anxiety about immigration from Muslim countries and terrorist attacks in the United States, Indonesia, and elsewhere prompted the Howard government to adopt several restrictive new policies. Responding to the arrival by sea of some 1,500 asylum seekers from Afghanistan and Iraq in 2001, Australia negotiated agreements under which Nauru and Papua New Guinea would host detention centers for asylum seekers attempting to reach Australia. Meanwhile, domestic tensions grew between white Australians and those of Muslim or Arab descent, with ethnic riots erupting in Sydney in 2005.

The Howard government oversaw a number of terrorism-related arrests. In 2004, a British-born Muslim became the first person convicted under new counterterrorism laws for his ties with Al-Qaeda and involvement in planning a bomb attack in Israel. In 2007, two Sri Lankan nationals were arrested in Melbourne on suspicion of raising funds for their country's Tamil Tiger rebel group. More controversial was the July 2007 arrest of an Indian Muslim immigrant doctor, Mohammed Haneef, for suspected links to a terrorist plot in Britain. The charges were soon dropped for lack of evidence, and the immigration minister's decision to withdraw Haneef's work visa

was subsequently ruled improper by the courts. The incident stirred public debate about the content and application of counterterrorism laws.

In August 2007, the Howard government exercised national emergency powers in the Northern Territory after a report found rampant pedophilia, juvenile prostitution, domestic abuse, and other problems in Aboriginal communities. The federal government imposed a ban on alcohol and pornography in the settlements, required health checks for children, and increased the police presence. Public opinion and a broad parliamentary majority endorsed these actions, agreeing that federal intervention was needed to improve conditions for Aborigines. Opponents charged that the long-neglected problems were dealt with in a heavy-handed manner for political reasons.

Howard sought a fifth term as prime minister in November 2007 elections, but he was unseated by Kevin Rudd of the Labor Party. Labor captured 83 seats in the 150-seat lower house and gained 18 Senate seats for a new total of 32 in the 76-seat upper chamber. Howard also lost his own parliamentary seat and was replaced as Liberal Party leader by Brendan Nelson. In September 2008, Nelson himself lost his leadership position to Malcolm Turnbull, a lawyer and former banker.

After taking office, Rudd immediately reversed some of the most controversial policies of the Howard government. He announced an end to his predecessor's asylum practices, known as the Pacific Solution, in January 2008. By mid-year, the offshore detention centers in Nauru and Papua New Guinea were closed and the last detainees were shipped to Australia for review and adjudication. A total of 1,637 people had been held in the detention centers since their inception, costing Australia some US\$265 million. The Rudd government also promised financial aid to help Nauru and Papua New Guinea cope with the loss of rent and jobs associated with the detention centers. In July, the government took the additional step of ending the policy of jailing asylum seekers. In December, however, the government opened a new detention center on Christmas Island, which had been previously commissioned by the Howard government to deal with the continuing influx of asylum seekers.

On the issue of counterterrorism policy, the government in April 2008 began an inquiry into the poor handling of the Haneef case, and later concluded that his arrest was improper and that sweeping changes to antiterrorism laws were needed. However, the threat of terrorism apparently remained. In September, seven men were convicted for forming a cell that planned attacks on Howard and major sports events. Rudd also ended Australia's combat role in Iraq in June, though several hundred troops are expected to remain to serve in noncombat roles, and approximately 1,000 troops are still stationed in Afghanistan.

Rudd also sought to set a new tone on policy toward Aborigines. Speaking before Parliament in February, he made a formal apology to the Aboriginal population for past laws and policies that had "inflicted profound grief, suffering, and loss." However, the government decided to continue the federal intervention in the Northern Territory, imposed by the previous government in 2007 in response to evidence of rampant pedophilia, juvenile prostitution, domestic abuse, and other problems in Aboriginal communities. Controversy regarding sexual abuse in Aboriginal communities persisted during the year, as public outrage led to heavier sentences in June for nine Aboriginal men who had initially received suspended sentences or probation for raping a 10-year-old girl.

As for providing compensation to those who were removed from their families between 1915 and 1969 as part of the government's former policy of assimilating Aboriginal children into the white culture and mainstream economy, the Rudd government declared that payments would not be made to individuals. Instead, a reparations fund would provide money for health and education programs benefiting all Aborigines.

In September, Quentin Bryce, a former governor of Queensland, was sworn in as Australia's first female governor-general. She had been one of the first women admitted to the Queensland bar and later served as a federal sexual-discrimination commissioner.

**Political Rights and Civil Liberties:** Australia is an electoral democracy. The British monarch is represented as head of state by a governor-general, who is appointed on the recommendation of the prime minister. The prime minister is the leader of the majority party or coalition in Parliament.

Voting is compulsory, and citizens participate in free and fair multiparty elections to choose representatives for Parliament. There are two houses of Parliament: the Senate and the House of Representatives. The Senate has 76 seats, with 12 senators from each of the six states and 2 from each of the two mainland territories. Half of the state members, who serve six-year terms, are up for election every three years; all territory members are elected every three years. The House of Representatives has 150 seats. All members are elected by popular preferential voting to serve three-year terms, and no state can have fewer than five representatives.

The Liberal and Labor parties are the two major parties. Others include the National Party, the Green Party, the Family First Party, and the Best Party of Allah, which was formed in 2005 to represent the interests of Muslim Australians.

Australia is regarded as one of the least corrupt societies in the world, ranking 9 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

There are no constitutional protections for freedom of speech and the press, but citizens and the media freely criticize the government without reprisal. The Australian Broadcasting Corporation operates national and local public television and radio stations as well as a television service for the Asia-Pacific region. A second public station delivers multilingual radio and television broadcasts. There are three major commercial television networks and many commercial radio stations. Since 2006, full foreign ownership of domestic media outlets has been permitted. Some laws restrict the publication and dissemination of material that promotes or incites terrorist acts.

Internet access and mobile telephone use are widespread and competitively priced. The new Labor government aims to require internet service providers to install online filters to ensure that schools and households do not receive pornography or other inappropriate content.

Freedom of religion is respected, as is academic freedom. Nevertheless, citing concerns about terrorism, the government bars mosques and Islamic schools from disseminating anti-Australian messages.

Although the rights of assembly and association are not codified in law, the government respects these rights in practice. Workers can organize and bargain

collectively. The adoption of the 2005 Workplace Relations Amendment Act, also known as the WorkChoices Act, introduced expansive changes to the labor law. Labor unions opposed the measure, alleging that it reduced workers' protection from unfair dismissals. The Labor government has pledged to guarantee the right to collective bargaining for workers, and in March, the Rudd government amended the WorkChoices Act to eliminate the most controversial features.

The judiciary is independent, and prison conditions are generally good by international standards. In 2005, the government introduced new counterterrorism laws that included powers to detain suspects for 48 hours without charge, "shoot to kill" provisions, the criminalization of violence against the public and Australian troops overseas, and authorization for the limited use of soldiers to meet terrorist threats on domestic soil. Only after several amendments to address concerns about human rights and civil liberties, and the addition of a 10-year sunset clause, was the government able to win enough parliamentary support to pass the legislation.

Aborigines, comprising about 12 percent of the population, are underrepresented at all levels of political leadership and receive low marks as a group on key social and economic development indicators. Compared with the general population, unemployment among Aborigines is 3 times higher, life expectancy is 20 years shorter, and the imprisonment rate is 15 times higher. There are claims of routine mistreatment of Aborigines by police and prison officials.

Although women enjoy equal rights and freedoms and have attained greater parity in pay and promotion in public- and private sector jobs, violence against women remains a serious problem, particularly within the Aboriginal population. Homosexuals can serve in the military, and federal law grants legal residence to foreign same-sex partners of Australian citizens. However, federal laws do not bar discrimination based on sexual orientation. The government amended the Federal Marriage Act in 2004 to define marriage as a union between a man and a woman "to the exclusion of all others," and in 2006 it struck down the Civil Unions Act of the Australian Capital Territory (ACT) government, which gave formal recognition to same-sex partnerships.



## Austria

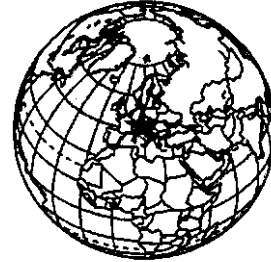
**Population:** 8,400,000

**Capital:** Vienna

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

In the summer of 2008, the short-lived coalition government of the Social Democratic Party of Austria (SPO) and the Austrian People's Party (OVP) ended amid tension, and new elections were held in September. Two far-right parties performed well, together taking just under 30 percent of the vote. The leader of one, the Alliance for the Future of Austria, was killed in an automobile accident days after the elections. The SPO and OVP revived their grand coalition under the leadership of the SPO's Werner Faymann, leaving the far right out of government.

Modern Austria emerged at the end of World War I, when the Austro-Hungarian Empire broke apart. It was annexed to Nazi Germany in 1938 and suffered defeat in World War II. By the consent of both sides, Austria remained neutral during the Cold War, focusing instead on economic growth and developing one of the wealthiest economies in Europe.

From 1986 until 2000, the two biggest political parties—the center-left Social Democratic Party of Austria (SPO) and the center-right People's Party of Austria (OVP)—governed together in a grand coalition. Members of the two parties shared in the administration of cabinet ministries and in many other government functions. Labor relations were corporatist, with management and unions both represented not only in the decision making of individual firms but also in national policy making.

The 1999 elections produced the first government since 1970 that did not include the SPO. Instead, the OVP formed a coalition with the Freedom Party, a far-right nationalist party with vestigial Nazi sympathies. The Freedom Party had risen steadily in the polls as voters became disaffected with the power-sharing arrangement of the large parties and the near impossibility of major political change. The Freedom Party won 27 percent of the vote in 1999 and was thus included in a coalition led by the OVP. The reaction among fellow members of the European Union (EU) was dramatic. In 2000, the EU officially suspended ties with Austria. Support in Austria for the Freedom Party jumped, as voters resented the EU's interference. Later in 2000, the EU reinstated the country.

Due to the sanctions, the controversial Joerg Haider (who once referred to the

Nazi death camps as "punishment camps") stepped down as leader of the Freedom Party, though he remained governor of Carinthia. With his withdrawal, Austrian politics returned to near normality, as the Freedom Party was moderated by the day-to-day reality of governing. After an internal leadership struggle, the party withdrew from the coalition in September 2002. The parliamentary elections of November 2002 saw the Freedom Party's share of the vote fall to 10 percent. It rejoined the coalition with the OVP, but this time clearly as the junior partner.

Subsequent poor election performances (for example in European Parliament elections) fueled internal rifts in the party. Most of its members of parliament, as well as Haider, chose in spring 2005 to leave the party and form the Alliance for the Future of Austria (BZO). The Freedom Party remained in parliament as a rump, though it retained many activists. The BZO became OVP's junior coalition partner.

In October 2006, parliamentary elections confirmed the OVP's relative decline, with the SPO winning by a small margin. Since all the other parties were too small to form a viable coalition, the SPO once again joined a grand coalition with the OVP under Alfred Gusenbauer of the SPO as chancellor. Top ministries, including foreign affairs and finance, went to the OVP, however. As a result, the parties continued to struggle for dominance within the government. The SPO's investigation into the previous OVP government's purchase of 18 Eurofighter jets antagonized its coalition partner. The two also struggled over health, tax, and pension reforms as well as policy toward the EU, which was increasingly unpopular in Austria. In the summer of 2008, the OVP announced its exit from the coalition.

New elections were held in September, with Werner Faymann leading the SPO. The two big parties both suffered losses; the SPO fell to 29 percent and the OVP dropped to 26 percent. The BZO and Freedom Party, meanwhile, surged to 18 and 11 percent, respectively, buoyed by antiforeigner sentiment, skepticism toward the EU, and frustration with the squabbling grand coalition. However, both big parties promised not to form a coalition with the two far-right parties. Moreover, shortly after the vote, Haider, the BZO leader, was killed in a car accident. In late 2008, the SPO and OVP revived their grand coalition, under Faymann as an SPO chancellor with an OVP vice-chancellor.

### Political Rights and Civil Liberties:

Austria is an electoral democracy. The lower house of the Federal Assembly, the Nationalrat (National Council), has 183 members chosen through proportional representation at the district, state, and federal levels to ensure both overall fairness and a voice for each region. Members of the Nationalrat served four-year terms, extended to five as of the 2008 elections. The chancellor, appointed by the president, needs the support of the legislature to govern. The 62 members of the upper house, the Bundesrat (Federal Council), are chosen by state legislatures. In 2008, the voting age was lowered to 16.

Perhaps ironically, the participation of the Freedom Party in government highlighted the country's basic democratic rights in 2000, when other European countries tried unsuccessfully to induce Austrians to forgo their duly elected choice. Though there are competitive political parties and free and fair elections, the traditional practice of grand coalitions in Austria caused substantial disillusionment with the political process. Frustration with the cozy relationship between the OVP and

the SPO contributed to the rise of the Freedom Party, but the party's participation in government brought it for a time closer to the mainstream right. Minority participation in government remains frustrated despite the high number of foreigners in Austria.

Austria is now less corrupt than it was during the 1980s, when campaign donation laws were tightened somewhat. However, the 2006 collapse of Bawag, a bank owned by a union federation with strong ties to the SPO, led to a flurry of media stories about bad loans, the covering up of financial losses, and the lavish lifestyles of the bank's executives. Austria was ranked 12 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The media are free, though not highly pluralistic. The end of the monopoly by the state broadcaster ORF has not brought significant competition to the broadcast market, and print media ownership is concentrated in a few hands. Harassment and libel lawsuits by politicians (notably from the Freedom Party) against investigative and critical journalists have hampered reporters' work. Austria has lost more press-freedom cases before the European Court of Human Rights than any other country but Turkey. There are no restrictions on internet access.

Nazi and anti-Semitic speech and writing are banned, and in 2005, David Irving, a British historian, was arrested on charges of Holocaust denial. He was sentenced to three years in prison in February 2006, but was released on probation in December of that year. During 2008, the Freedom Party campaigned in favor of relaxing some of the bans on Nazi symbols, but the party was excluded from the government that formed later in the year.

Religious freedom is respected in Austria and enshrined in the constitution. There are 13 officially recognized religions, which can draw on state funds for religious education. Recognition by the state first requires a period of 10 years as a "confessional community" with fewer privileges, and the religion in question must have a membership equaling at least 0.05 percent of Austria's population. The Jehovah's Witnesses have complained that these rules violate their freedom of religion, although they are recognized as a "confessional community" along with other smaller faiths. The Church of Scientology is allowed only a third-tier status, as an "association." Academic freedom is respected.

The rights to freedom of assembly and association are protected in the constitution. Civic and nongovernmental organizations are able to operate without restrictions. Trade unions have traditionally been powerful and are close to the SPO. Not only are they free to organize and strike, but they have been considered an essential partner in national policy making.

The judiciary is independent, and the Constitutional Court examines the compatibility of legislation with the constitution. Austria is a member of the Council of Europe, and its citizens have recourse to the European Court of Human Rights in Strasbourg, France. The quality of prisons and police generally meet high European standards, though isolated incidents of police brutality, as well as crowded and sometimes harsh prison conditions, are reported.

Residents generally are afforded equal protection under the law. However, immigration has fueled some resentment toward minorities and foreigners; Austria has one of the highest numbers of asylum seekers per capita in the world. The asylum law was tightened in December 2003, placing it among the strictest in the developed world and drawing criticism from the UN High Commissioner for Refugees (UNHCR).

It allows some asylum seekers to be deported while appeals of their cases are pending. New arrivals are asked for full statements within 72 hours. The UNHCR has also criticized shortages of qualified legal advisers and interpreters for detainees.

A 1979 law guarantees women freedom from discrimination in various areas, especially the workplace. A 1993 law sought to increase women's employment in government agencies, where they were underrepresented.

## ↓ Azerbaijan

**Population:** 8,700,000

**Capital:** Baku

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



**Trend Arrow:** Azerbaijan received a downward trend arrow due to the increasing monopolization of power by President Ilham Aliyev and the ruling Yeni Azerbaijan Party, as reflected in a flawed presidential election in October and measures to eliminate presidential term limits.

*Note:* The numerical ratings and status listed above do not reflect conditions in Nagorno-Karabakh, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,4PF	6,5PF	6,5PF	6,5PF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

President Ilham Aliyev and the ruling Yeni Azerbaijan Party further marginalized the political opposition and other institutions of democratic accountability in 2008. The government's fierce suppression of media freedom was integral to Aliyev's victory in a controlled presidential election in October. In December, the parliament approved a constitutional change that would eliminate presidential term limits, clearing the way for a referendum on the issue. Meanwhile, the country's energy wealth continued to swell state coffers, stunting other sectors of the economy and permitting the government to postpone meaningful institutional reforms.

After a short period of independence from 1918 to 1920, Azerbaijan was occupied by Soviet forces and formally entered the Soviet Union in 1922 as part of the Transcaucasian Soviet Federated Socialist Republic. It became a separate Soviet republic in 1936. Following a referendum in 1991, Azerbaijan declared independence from the disintegrating Soviet Union.

In 1992, Abulfaz Elchibey, leader of the nationalist opposition Azerbaijan Popu-

lar Front, was elected president in a generally free and fair vote. A military coup one year later ousted him from power and installed the former first secretary of the Azerbaijan Communist Party, Heydar Aliyev, in his place. In the October 1993 presidential election, Aliyev was credited with receiving nearly 99 percent of the vote. Five leading opposition parties and some 600 independent candidates were barred from Azerbaijan's first post-Soviet parliamentary elections in 1995, allowing Aliyev's Yeni Azerbaijan Party (YAP) to win the most seats. In 1998, Aliyev was reelected with more than 70 percent of the vote in balloting that was marred by irregularities.

The ruling YAP captured the majority of seats in the 2000 parliamentary elections. The Azerbaijan Popular Front and the Communist Party came in a distant second and third, respectively. International monitors from the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe cited widespread electoral fraud, including the stuffing of ballot boxes. However, the Council of Europe approved Azerbaijan's application for membership just days after the vote, in an apparent effort to encourage engagement with a country that sorely needed political reform.

A 2002 referendum approved a series of constitutional amendments, some of which critics said would strengthen the ruling party's grip on power. One amendment stipulated that the prime minister would become president if the head of state resigned or was incapacitated. That ultimately allowed the ailing Aliyev to appoint his son, Ilham, to the premiership in order to facilitate a transfer of power within the Aliyev family. Opposition groups and the OSCE charged that the referendum was marred by fraud, including ballot-box stuffing, intimidation of election monitors and officials, and an inflated voter-turnout figure of nearly 90 percent.

In the months preceding the October 2003 presidential election, the political environment was marked by uncertainty over Heydar Aliyev's declining health and its implications for his reelection bid. He collapsed during a live television broadcast in April and left Azerbaijan that summer to receive medical treatment abroad. At the same time, government officials continued to deny that his health problems were serious, and he remained the official YAP candidate for the presidential election. In June, Prime Minister Ilham Aliyev was officially nominated as a presidential candidate, and the elder Aliyev withdrew his candidacy just two weeks before the election.

Final election results showed Ilham Aliyev defeating seven challengers with nearly 77 percent of the vote. His closest rival, opposition Musavat Party leader Isa Gambar, received only 14 percent of the vote, while six other candidates received less than 4 percent each. According to OSCE observers, the election was tainted by widespread fraud. During violent clashes between security forces and demonstrators in Baku in October, at least one person was reportedly killed and several hundred were injured, and the authorities unleashed a crackdown against the opposition in which more than 600 people were detained. Among those arrested were opposition party leaders and supporters who had not been directly involved in the preceding days' violence, along with many election officials who refused to certify fraudulent results. Heydar Aliyev died in December 2003.

Less than half of all registered voters cast ballots in the 2005 parliamentary elections, the lowest voter turnout in a decade. More than 2,000 candidates registered for the 125 constituencies, but about a fourth of them ultimately withdrew, in some cases because of intimidation, leaving 1,550 to take part on election day. The oppo-

sition captured just 10 of 125 seats in the Milli Majlis (National Assembly), with a substantial majority going to the ruling YAP and its allies. The results were contested by the opposition, which organized a number of rallies in the capital.

Aliyev easily won a second term in the October 2008 presidential election, taking 89 percent of the vote amid 75 percent turnout, according to official results. Most of the political opposition chose to boycott the poll, citing barriers to meaningful media access and the overwhelming influence of administrative resources deployed by the YAP. In December, the parliament rapidly passed a draft constitutional amendment that would remove presidential term limits, and the Constitutional Court cleared the measure for approval in a referendum to be held in 2009.

In a July 2008 speech to Azerbaijan's ambassadorial corps, Aliyev warned international organizations not to criticize his government's reform efforts. Many observers saw the speech as a sign that Azerbaijan's abundant energy wealth was enabling it to adopt a more recalcitrant attitude toward domestic reforms and foreign scrutiny.

International mediators have failed to make progress on negotiations for a final settlement on the disputed territory of Nagorno-Karabakh, a region of Azerbaijan that had been ruled by ethnic Armenian separatists since the early 1990s. No country or international organization recognizes Nagorno-Karabakh's self-proclaimed independence.

### **Political Rights and Civil Liberties:**

Azerbaijan is not an electoral democracy. The country's constitution provides for a strong presidency, and the parliament, the 125-member Milli Majlis, exercises little or no independence from the executive branch. The president and members of parliament serve five-year terms. While presidents are currently subject to a two-term limit, a constitutional change approved by the parliament in December 2008 would lift that barrier if finalized in a referendum, expected to be held in 2009.

Elections since the early 1990s have been considered neither free nor fair by international observers. The most recent parliamentary elections, in 2005, were afflicted by extensive irregularities. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) cited the "interference of local authorities, disproportionate use of force to thwart rallies, arbitrary detentions, restrictive interpretations of campaign provisions and an unbalanced composition of election commissions."

The 2008 presidential election, though largely peaceful, was no exception to this pattern. A joint statement from the OSCE, the Parliamentary Assembly of the Council of Europe (PACE), and the European Parliament observed that the poll "did not reflect all the principles of a meaningful and pluralistic democratic election." The OSCE's monitoring report noted a number of problems, including "a lack of robust competition, a lack of vibrant political discourse, and a restrictive media environment." President Ilham Aliyev said he would not campaign personally, but he reportedly stepped up his official activities and opened a number of infrastructure projects during the campaign period, garnering extensive coverage from the biased media. The OSCE also noted that public officials and YAP operatives worked cooperatively to mobilize support and increase turnout.

Corruption is rampant, and by many accounts it has grown as wealth from the country's massive oil exports creates even greater opportunities for graft. Given the

weakness and dependence of critical institutions, government officials are rarely held accountable for corrupt practices. Azerbaijan was ranked 158 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. A freedom of information law was enacted in 2005, but the government has taken little action to implement its provisions and increase transparency at public institutions.

Though Azerbaijan's constitution guarantees freedom of speech and the press, the authorities severely limit press freedom in practice. Broadcast media are the main source of information for the vast majority of the population, and privately owned television stations with national reach generally reflect progovernment views. While there is some pluralism in the print media, newspapers have relatively small print runs, are not distributed regularly in rural areas, and are frequently too expensive for many people to purchase. Independent and opposition newspapers struggle financially in the face of low circulation, limited advertising revenues, and heavy fines or imprisonment of their staff. State-owned companies rarely if ever advertise in opposition newspapers. Journalists are threatened and assaulted with impunity, and five reporters and editors remained behind bars in 2008, according to the Committee to Protect Journalists, with charges ranging from libel and defamation to tax evasion and drug trafficking. Among those imprisoned were Eynulla Fatullayev, Sakit Zakhidov, and Genimet Zakhidov. The government does not typically restrict internet access, but it has repeatedly blocked some websites featuring opposition views.

The ruling YAP's dominance of mass media gave it an overwhelming advantage in the 2008 election campaign. The OSCE found that most television stations displayed a clear bias in favor of the incumbent, noting that even one of the better performers, public broadcaster ITV, gave Aliyev three times as much coverage as all six challengers combined. State-funded AzTV reportedly devoted 94 percent of its political and election coverage to the ruling authorities.

In November 2008, the authorities announced their intention to discontinue local radio broadcasts of key international news services, including the British Broadcasting Corporation (BBC), Radio Free Europe/Radio Liberty (RFE/RL), and Voice of America. The National Television and Radio Council indicated that international broadcasts on frequencies controlled by the government would no longer be permitted as of 2009.

The government restricts the activities of "nontraditional" minority religious groups through burdensome registration requirements and interference in the importation and distribution of printed religious materials. Islam, Russian Orthodox Christianity, and Judaism are considered traditional religions, and their adherents can for the most part worship freely.

The authorities generally do not restrict academic freedom. However, some faculty and students have experienced political pressure, including reported threats to lower the grades of students who participate in opposition political activity. Some professors and teachers have said they were dismissed because of their membership in opposition parties or for political activity during campaign periods.

The government restricts freedom of assembly, especially for opposition parties. Registration with the Ministry of Justice is required for a nongovernmental organization (NGO) to function as a legal entity, and the registration process has been described as cumbersome and nontransparent. Although the law permits the

formation of trade unions and the right to strike, the majority of trade unions remain closely affiliated with the government, and most major industries are state owned.

The judiciary is corrupt, inefficient, and subservient to the executive branch. Arbitrary arrest and detention are common, particularly for members of the political opposition. Detainees are often held for long periods before trial, and their access to lawyers is restricted. Police abuse of suspects during arrest and interrogation reportedly remains commonplace, with torture sometimes used to extract confessions. Prison conditions are severe, with many inmates suffering from overcrowding and inadequate medical care.

Some members of ethnic minority groups, including the small ethnic Armenian population, have complained of discrimination in areas including education, employment, and housing. Hundreds of thousands of ethnic Azeris who were displaced by the war in Nagorno-Karabakh in the early 1990s remain in Azerbaijan, often living in dreadful conditions.

Significant parts of the economy are controlled by a corrupt elite, which severely limits equality of opportunity. Supporters of the political opposition face job discrimination, demotion, and dismissal.

Traditional societal norms and poor economic conditions restrict women's professional roles. Domestic violence is a problem, and there are no laws regarding spousal abuse. The country is believed to be a country of origin and a transit point for the trafficking of women for prostitution. A 2005 law criminalized human trafficking, but the U.S. State Department's 2008 Trafficking in Persons Report placed Azerbaijan on its Tier 2 Watch List, citing a decline in enforcement and other shortcomings.

## Bahamas

**Population:** 300,000

**Capital:** Nassau

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

The Bahamas maintained its position as one of the best-governed countries in the Caribbean in 2008. The government of prime minister Hubert Ingraham of the Free National Movement party reacted to violent crime by vowing to reinstate the death penalty, but legal obstacles to the plan remained.



The Bahamas, a former British colony, became an independent state within the Commonwealth in 1973. Lynden Pindling served as the country's first prime minister and head of the Progressive Liberal Party (PLP) for a quarter-century. After years of allegations of corruption and involvement by high officials in narcotics trafficking, Pindling and the PLP were defeated by the Free National Movement (FNM) party in 1992 elections. The FNM ruled the Bahamas for 10 years under Prime Minister Hubert Ingraham, until the 2002 elections brought the PNP, led by Perry Christie, back to power. In May 2007, the FNM triumphed at the polls, winning 23 parliamentary seats to the PLP's 18, thereby restoring Ingraham to the premiership and demoting Christie to leader of the opposition. Christie and Ingraham are close personal friends and business partners, which has left many Bahamians feeling that their country's politics are dominated by an exclusive clique. The economic and political policies of the Bahamas have remained remarkably consistent under both prime ministers.

As the Caribbean's only upper-income country, the Bahamas has established a model service economy based on an impressive tourism sector—which accounts for 30 percent of national income—and offshore financial services. In 2008, the Ingraham government continued to struggle with the challenge of curbing narcotics trafficking and the violent crime associated with it. The Bahamas also suffers from a new trend of marijuana cultivation and trafficking by foreign nationals residing in the country, leading the United States to keep it on the list of major drug-producing or drug-transit countries.

The Bahamas is also a major transit point for migrants coming from elsewhere in the Caribbean, especially Cuba and Haiti, in the hope of reaching the United States. In March 2006, two Cuban dentists whose boat stalled in Bahamian waters en route to the United States were finally released after a year of detention. In April 2008, 20 Haitian migrants drowned when their boat capsized in Bahamian waters, sparking deep concern about the large, unauthorized flow of people between the countries.

**Political Rights and Civil Liberties:** The Bahamas is an electoral democracy. The lower house of the bicameral Parliament, the 41-member House of Assembly, is directly elected for five-year terms. The 16 members of the upper house, the Senate, are appointed for five-year terms by the governor-general, who represents the British monarch as head of state. Nine of the senators are appointed on the recommendation of the prime minister, four on the recommendation of the opposition leader, and three on the recommendation of the prime minister after consulting with the opposition leader. The head of the majority party or coalition in Parliament typically serves as prime minister.

Political parties can organize freely. The two leading parties are the FNM, headed by Prime Minister Hubert Ingraham, who reshuffled his cabinet in July 2008, and the PLP, led by former prime minister Perry Christie.

The Bahamas was not ranked by Transparency International in its 2008 Corruption Perceptions Index.

The Bahamas has a well-developed tradition of respecting freedom of the press and freedom of expression. Daily and weekly newspapers, all privately owned, express a variety of views on public issues, as do the government-run radio station and four privately owned radio broadcasters. Full freedom of expression is potentially constrained by strict and antiquated libel laws dating to British legal codes,

but in practice these laws are seldom invoked to abridge freedom of the press. Access to the internet is unrestricted.

The people's rights to religious and academic freedom are respected.

The Bahamas upholds freedom of assembly. Constitutional guarantees of the right to form civic organizations are generally respected, and human rights organizations have broad access to institutions and individuals. Labor, business, and professional organizations are generally free from government interference. Unions have the right to strike, and collective bargaining is prevalent. In 2008, there were continued reports of mistreatment of migrant workers in the construction and service sectors.

The judicial system is headed by the Supreme Court and a court of appeals, with the additional right of appeal under certain circumstances to the Privy Council in London. Some progress has been reported in reducing both the duration of court cases and the backlog of criminal appeals. Nevertheless, some murder suspects have been held for up to four years before being brought to trial. In March 2006, the Privy Council ruled that death sentences for individuals convicted of murder in the Bahamas are unconstitutional. In 2008, however, a spate of homicides prompted one prominent opposition legislator to call for the resumption of executions by hanging, and the prime minister vowed to work toward removing legal obstacles to the death penalty. In December, the National Advisory Council on Crime presented 40 recommendations for fighting crime to the Minister of National Security, including a call for the use of the death penalty as a deterrent.

Nongovernmental organizations have documented the occasional abuse of prisoners and arbitrary arrest. Prison overcrowding remains a major problem. Juveniles are often housed with adults, increasing the risk of sexual abuse. The establishment of a "correctional training institute" in 2005 was intended to improve segregation of violent and nonviolent offenders.

Discrimination against people of Haitian descent persists, and between 30,000 and 40,000 Haitians reside illegally in the Bahamas. Strict citizenship requirements and a stringent work-permit system leave Haitians with few rights.

The government is strongly opposed to homosexuality. The Bahamian Plays and Films Control Board banned the gay-themed American film *Brokeback Mountain* in 2006, prompting local gay rights groups to voice concerns about censorship. However, the Bahamas spends more than US\$1 million annually on antiretroviral drugs for HIV-infected patients. Gender equality remains an issue, and only 5 out of 41 members of Parliament are women. Domestic violence remains a problem.

## ↓ Bahrain

**Population:** 800,000

**Capital:** Manama

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



**Trend Arrow:** Bahrain received a downward trend arrow due to the authorities' restrictions on freedom of speech, the government's practice of resettling Sunnis from other countries in Bahrain to offset the Shiite majority, and evidence that Shiite political prisoners have been subjected to torture.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	6,5NF	5,5NF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF

### Overview:

The government of Bahrain continued its crackdown on opponents in 2008. Human rights activists intensified criticisms of the ruling al-Khalifa family amid reports of the use of torture against detainees. In spite of promises that journalists would no longer face imprisonment for their writing, authorities limited free expression, blocked access to websites, and detained authors who criticized state leaders. Tensions between the country's Shiite majority and the ruling Sunni minority escalated during the year, as the government continued its policy of welcoming Sunni immigrants to alter the demographic balance.

The al-Khalifa family, which belongs to Bahrain's Sunni Muslim minority, has ruled the Shiite-majority country for more than two centuries. Bahrain gained independence in 1971 after more than a hundred years as a British protectorate. The first constitution provided for a national assembly with both elected and appointed members, but the monarch dissolved the assembly in 1975 for attempting to end al-Khalifa rule.

In 1993, the emir established a consultative council of appointed notables, although this advisory body had no legislative power. In 1994, the arrest of prominent individuals who had petitioned for the reestablishment of democratic institutions sparked protests. The disturbances left more than 40 people dead, thousands arrested, and hundreds either imprisoned or exiled.

Sheikh Hamad bin Isa al-Khalifa's March 1999 accession to the throne marked a turning point. He released political prisoners, permitted the return of exiles, and eliminated emergency laws and courts. He also introduced the National Charter, which aimed to create a constitutional monarchy with an elected parliament, an independent judicial branch, and rights guaranteeing women's political participation.

In February 2001, voters approved the National Charter, and the country was proclaimed a constitutional kingdom the following year. However, the process of

political reform had disappointed many Bahrainis by the time local and parliamentary elections were held in May and October 2002, respectively. Leading Shiite groups and leftists boycotted the elections to protest campaigning restrictions and electoral gerrymandering aimed at diminishing the power of the Shiite majority. Sunni groups won most of the seats in the new National Assembly. The government banned international organizations from monitoring the elections.

Shiite groups that boycotted the 2002 voting took part in the next elections in 2006. Al-Wefaq, the Shiite political society, won 42 percent of the vote and 17 seats in the Council of Representatives, the lower house of the bicameral parliament. The overall results represented a victory for Islamist groups, which took 30 out of the lower chamber's 40 seats. The remaining 10 were awarded to liberal candidates. King Hamad appointed a liberal Consultative Council, the upper house, to offset the Islamist electoral gains. In the wake of the elections, scandals emerged over claims that a senior official was determined to keep the Shiite majority underrepresented. Critics also alleged that the authorities had stepped up the naturalization of foreign workers and non-Bahraini Arabs in advance of the elections, supposedly with the intent of boosting the number of Sunni voters.

In 2008, Bahraini security forces continued their brutal 2007 crackdown on the government's most outspoken critics. Dozens of Shiite activists jailed at the end of 2007 for holding public demonstrations alleged the systematic use of torture during their detainment, including electrocution and sexual assault. After lengthy delays in their trials, 11 of the activists were sentenced in July to prison terms ranging from one to seven years. State authorities continued to detain Shiite activists during the year, arresting over 40 people in March and April for suspected acts of arson against the property of a member of the royal family. Twenty-eight of those detained remained imprisoned at the end of 2008 and were subject to harsh treatment.

### Political Rights and Civil Liberties:

Bahrain is not an electoral democracy. The 2002 constitution gives the king power over the executive, legislative, and judicial authorities. He appoints cabinet ministers and members of the 40-seat Consultative Council, the upper house of the National Assembly. The lower house, or Council of Representatives, consists of 40 elected members serving four-year terms. The National Assembly may propose legislation, but the cabinet must draft the laws. A July 2002 royal decree forbids the National Assembly from deliberating on any action that was taken by the executive branch before December 2002—the date the body was inaugurated.

Formal political parties are illegal in Bahrain, but the government allows political societies or groupings to operate. In 2005, the king ratified a law that made it illegal to form political associations based on class, profession, or religion, and required all political associations to register with the Ministry of Justice.

Although Bahrain has some anticorruption laws, enforcement is weak, and high-ranking officials suspected of corruption are rarely punished. Bahrain was ranked 43 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is restricted in Bahrain, and the authorities routinely harass activists who criticize them publicly. The government owns all broadcast media outlets. Although the country's three main newspapers are privately owned, they

are controlled by individuals with close ties to the government. According to the 2002 Press Law, the state can imprison journalists for criticizing the king or Islam, or for threatening "national security," an intentionally vague provision that gives authorities wide latitude in cracking down on speech and encourages self-censorship. The government continued to control access to opposition and human rights websites and to block access to blogs in 2008. From June to December, the government blocked four websites and arrested at least nine journalists for criticizing the government. Despite the restrictive nature of the Bahraini press law, print outlets feature some debate among government supporters as well as the opposition regarding reform, the parliament's effectiveness, and sectarianism.

Islam is the state religion. However, non-Muslim minorities are generally free to practice their faiths. All religious groups must obtain a permit from the Ministry of Justice and Islamic Affairs to operate legally, although the government has not punished groups that have operated without a permit.

Bahrain has no formal laws or regulations that limit academic freedom, but teachers and professors tend to avoid politically sensitive issues in the classroom and in their research. Scholars who criticize the government are subject to dismissal from their jobs. While there are limits to public speech, Bahrainis engage in robust private discussion in their homes, cafes, and political salons.

Severe restrictions on freedom of assembly were enacted in 2006. Citizens must obtain a license to hold demonstrations, rallies, and marches, which are now banned from sunrise to sunset in any public arena. Bahraini police regularly use violence to break up political demonstrations, most of which occur in Shiite villages. In April 2008, authorities shut down a conference at which political and human rights activists were scheduled to speak. Police in June broke up a seminar on a petition—signed by over 50,000 Bahrainis—that called for the resignation of the prime minister, leaving one attendee in a coma.

Bahrain's growing number of nongovernmental organizations focused on charitable activities, human rights, and women's rights continue to face restrictions. The 1989 Societies Law prohibits any society from operating without an official permit. The Bahrain Center for Human Rights (BCHR) was closed and dissolved by the government in 2004, although its members continue to operate. The government in 2008 was said to be considering a new law that would loosen some restrictions on civil society groups.

Bahrainis have the right to establish independent labor unions without government permission, but workers must give two weeks' notice before a strike, and strikes are banned in vital sectors such as security, civil defense, transportation, health care, communications, and basic infrastructure. A 2006 amendment to the labor law stipulates that private-sector employees cannot be dismissed for union activities. In spite of legal protections, the harassment of workers continues. In one notable example, Najiya Abdulgaffar, a female postal worker, was suspended for 10 days in February 2008 for complaining about harassment at work. Foreign workers are not protected by the labor law and lack the right to organize and seek help from Bahraini unions. As a result, they are subject to various kinds of abuse.

The judiciary is not independent of the executive branch. The king appoints all judges, and courts have been subject to government pressure. Members of the royal family hold all security-related offices. Bahrain's antiterrorism law prescribes the death penalty

for members of terrorist groups and prison terms for those who use religion to spread extremism. This legislation has been criticized on the grounds that its definition of terrorist crimes is too broad and that it has led to the use of torture and arbitrary detention. In a disturbing trend, activists arrested in December 2007 claimed that they were subject to regular torture while imprisoned in 2008. Victims alleged that they faced sexual assault, electrocution, and regular beatings. Although the government denies the claims, a court-appointed medical examiner confirmed evidence of physical abuse in April.

Shiites are underrepresented in government and face various forms of discrimination. Bahrain's Sunnis have become increasingly sectarian in recent years, accusing the Shiites of not supporting the al-Khalifa family and serving as a fifth column for Iran. Fears of Shiite power have led to limited employment opportunities for young Shiite men, as well as attempts by the government to alter the demographic balance, mostly by granting citizenship to foreign-born Sunnis. Bahrainis have the right to travel freely inside and outside the country.

Although women have the right to vote and participate in local and national elections, they are underrepresented politically. One-quarter of the members appointed to the Consultative Council are women. In 2006, the first woman elected to the legislature, Lateefa al-Gaood, won her seat after running unopposed. In May 2008 Bahrain named Hoda Nono as its first female (and Jewish) ambassador to the United States. Women are generally not afforded equal protections under the law, but they are often partners in family decision-making and enjoy rights to divorce and marry whom they choose. Nevertheless, personal status and family law issues are subject to Sharia court rulings based on the interpretation of predominantly male religious scholars.

## Bangladesh

**Population:** 147,300,000

**Capital:** Dhaka

**Political Rights:** 4\*

**Civil Liberties:** 4

**Status:** Partly Free



**Ratings Change:** Bangladesh's political rights rating improved from 5 to 4 due to elections in December 2008 that were held under reformed electoral laws and were judged to be relatively free and fair.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	3,4PF	3,4PF	4,4PF	4,4PF	4,4PF	4,4PF	4,4PF	5,4PF	4,4PF

### Overview:

Bangladesh's military-backed caretaker government oversaw a raft of electoral reforms in 2008, laying the groundwork for national elections that were finally held on December 29.

**However, the government had less success in implementing an anticorruption drive and reducing the power and popularity of the two main political parties. Emergency regulations, including restrictions on a range of civil liberties and political activity, remained in place until just prior to the campaign period. The elections, which were widely deemed free and fair, returned the opposition Awami League to power in a sweeping victory. Despite the significant openings in the political environment, human rights abuses including extrajudicial executions remained a concern.**

Bangladesh gained independence from Britain in 1947 as part of the newly formed state of Pakistan and successfully split from Pakistan in December 1971, after a nine-month war. The 1975 assassination of independence leader and prime minister Sheikh Mujibur Rahman by soldiers precipitated 15 years of military rule and continues to polarize Bangladeshi politics. The country's democratic transition began with the resignation in 1990 of the last military ruler after weeks of prodemocracy demonstrations. Elections in 1991 brought the Bangladesh Nationalist Party (BNP) to power under Prime Minister Khaleda Zia.

A long political deadlock began in 1994, when Sheikh Hasina Wajed's center-left Awami League (AL) party began boycotting Parliament to protest alleged corruption in Zia's government. The AL and the BNP differed little on domestic policy; their disputes often reflected the personal animosity between Hasina, the daughter of Rahman, and Zia, the widow of a military ruler who was allegedly complicit in his assassination. The AL boycotted the February 1996 elections, then forced Zia's resignation in March and triumphed in elections held in June. The BNP also marked its time in opposition by boycotting Parliament and organizing periodic nationwide strikes.

In 2001, the AL was voted out of office in elections marred by political violence and intimidation, and a new BNP-led coalition that included two Islamist parties took power. The AL initially refused to accept the election results and turned to parliamentary boycotts, countrywide *hartals* (general strikes), and other forms of protest to pressure the government on various issues. Political violence increased, with grenade attacks at AL rallies in August 2004 and January 2005 narrowly missing key party leaders but killing and injuring dozens of people.

General lawlessness also mounted, partly due to bombings and other attacks by Islamist extremist groups. Two of the largest—the Jamiat-ul-Mujahideen Bangladesh (JMB) and the Jagrata Muslim Janata Bangladesh (JMJB)—were banned in 2005, and following an escalation of violence later that year, a government crackdown yielded the arrest of the two groups' leaders in March 2006, along with some 800 members. In May, seven militant leaders were sentenced to death for the 2005 attacks, and six of the seven were executed in March 2007. The threat of Islamist violence subsided after the 2006 crackdown, but it did not disappear altogether.

Partisan disagreement over plans for January 2007 general elections led to heightened political tension and violence throughout 2006. The AL and its allies demanded reform of Bangladesh's caretaker government (CG) system, in which a theoretically nonpartisan government takes power temporarily to oversee parliamentary elections. The AL also questioned the conduct and impartiality of the Election Commission (EC) and its preparation of a new voter list. After three days of violent rallies over the proposed "chief adviser," or head of the CG, President Iajuddin Ahmed appointed

himself chief adviser; further rioting in late November led the president to deploy the army to maintain order.

Faced with the possibility of an election that lacked both domestic and international credibility, the army on January 11, 2007, pressured the president to declare a state of emergency, cancel the elections, and resign as head of the CG. A new, military-backed CG, headed by technocrat Fakhruddin Ahmed, was appointed the next day, and it soon announced plans to tackle endemic corruption and prepare for new elections. Under emergency regulations, freedoms of assembly and association were suspended, and controls were placed on the media. All political activity was banned, including indoor meetings, marches, and rallies. In addition, the right to appeal for bail was suspended.

While the "soft coup" was carried out partly within the constitutional framework, stopping short of martial law and leaving a civilian CG in nominal control, creeping military influence was extended over key institutions. A new EC formed in February 2007 was seen as relatively nonpartisan, but it included a role for the army; it also immediately requested legislation that would make any criticism of it punishable as "contempt." In order to quell disunity within the armed forces and bolster the "soft coup" adherents against those who favored an outright military takeover, the tenure of army chief Moeen U Ahmed was extended, and a number of his opponents were sidelined. After antimilitary student demonstrations in August 2007 left several people dead and hundreds injured, the authorities responded with university closures, arrests, curfews, media censorship, and a temporary shutdown of the internet and mobile-telephone network.

As part of the government's anticorruption drive, an Anti-Corruption Commission (ACC), headed by a former army chief, was formed in January 2007. An unprecedented number of high-level politicians and their business allies were arrested and held pending investigations of their finances; a number were subsequently convicted by a special court, while others awaited trial. Hasina herself was arrested in July; Zia was held in September, and her two sons were also arrested during the year. Although the government in November began efforts to remove executive influence from the judiciary as promised, observers warned that the measures, while positive, might not end the creeping politicization of the judiciary.

Economic woes—including inflation, a decline in investment, and increasing food shortages—progressively weakened public support for the administration. In addition, many donors and foreign governments, who initially supported the January 2007 takeover, were increasingly focusing on the need to return to democracy and expressing concern about continuing human rights violations. In a January 2008 shakeup, 4 of the 10 caretaker administrators were replaced. The CG then spent much of 2008 attempting to balance its anticorruption drive and electoral reforms with the need to win the cooperation of the dominant political parties so as to ensure the success of the planned elections.

As 2008 opened, Hasina (along with several family members) was formally charged with extortion for allegedly accepting illegal payments from a businessman during her tenure as prime minister. However, in early February, a court ruled that the case could not be tried under emergency laws, as the alleged offense had taken place prior to the emergency declaration. Later that month, the ACC filed new graft charges against Zia and 15 others in connection with alleged bribes in a deal involv-



ing a Chinese company. Other high-level politicians continued to face arrest as well—including Motiur Rahman Nizami, leader of the Islamist party Jamaat-e-Islami—and by May, the main parties jointly decided to boycott preelection talks with the EC unless their leaders were released.

In June, the CG offered to release Hasina and Zia to "seek medical treatment abroad," and while Hasina availed herself of the offer, Zia held out for the release of her two sons. This was granted by August, and in July, the courts suspended the second of four cases against Zia herself. These capitulations marked the de facto collapse of the CG's anticorruption campaign, and analysts warned that it would cement a culture of impunity and lack of accountability among senior politicians. The new EC also failed to address the issue of suspected war criminals' continued involvement in politics. Of particular concern was the Jamaat-e-Islami, whose leaders and student wing played a well-documented role in atrocities against civilians during the 1971 war of independence. In an unusual display of unity in December 2007, the BNP, AL, and other parties had demanded that the EC ban "war criminals" from the upcoming polls, but in the end, a number of suspected perpetrators stood for office.

By early November, the EC had confirmed an election date of December 18. Hasina returned to the country and started campaigning, but the AL was the clear favorite; more of its leadership was intact, and AL candidates had triumphed in mayoral elections held in August. The BNP initially sought a postponement, but agreed to the compromise election date of December 29. The emergency regulations, which had been eased in August and early December, were fully lifted on December 17. The elections themselves were supervised by a large number of election officials and observers as well as the army, and although the long-standing party leaders remained in place, there was a considerable infusion of new blood into the parties' candidate lists. Turnout was extremely high, at 87 percent, and included a large proportion of first-time, women, and minority voters. An electoral alliance led by the AL won a landslide of 263 seats (230 for the AL), while the BNP-led coalition took 32 seats (29 for the BNP). After initial protests, Zia accepted the results, and Bangladesh returned to civilian rule after a two-year hiatus.

## Political Rights

### and Civil Liberties:

Bangladesh is an electoral democracy. It regained that status through the December 2008 elections, which were judged to be free and fair by European Union observers and other groups. The balloting was praised for a high degree of transparency and professionalism, and low levels of fraud and violence. Terms for the unicameral National Parliament and the largely ceremonial presidency are both five years. Parliament is composed of 345 members, of which 300 are directly elected, and 45 are women nominated by political parties—based on their share of the elected seats—and then voted on by their fellow lawmakers. The 1996 polls were the first held under a constitutional amendment requiring a CG to oversee the election process.

A primary justification for the military-backed CG's postponement of the 2007 elections to 2008 was the need for an overhaul of electoral procedures. A series of reforms announced in July 2008 required the registration of political parties; mandated that parties disband their student, labor, and overseas units; and obliged parties to reserve a third of all positions for women. The reforms also reduced the number of seats a parliamentary candidate could simultaneously contest from five to three, tripled

campaign spending limits to 1.5 million taka (US\$22,000) per candidate, and gave voters in each constituency the option of rejecting all candidates on the ballot. It was hoped that the new regulations would curtail the widespread bribery, rigging, and violence that had characterized recent elections. A new voter registry completed in July was considerably smaller than its predecessor, which contained around 12 million invalid names. In August, the CG held peaceful and orderly elections in four cities and nine municipalities, but emergency laws largely remained in place, and candidates had to run as independents with a limited amount of time for public campaigning. The municipal polls were nevertheless judged fair by domestic and international observers, and the CG did not appear to have influenced the results. Hopes that the voters would reject tainted politicians did not materialize; at least two candidates who were facing corruption charges won landslide victories from prison. Throughout the CG period, the two largest parties, the AL and BNP, retained widespread popularity and continued to influence the political process despite sweeping arrests and other obstacles.

Endemic corruption and criminality, weak rule of law, limited bureaucratic transparency, and political polarization have traditionally undermined government accountability. Boycotts by both major parties while in opposition have regularly crippled the legislative process, and Parliament effectively ceased to function for much of its last term. The two parties have also maintained links to criminal networks. An ACC launched in 2004 was authorized to conduct investigations and try cases in special courts, but it never achieved political or financial independence. The reconstituted ACC of 2007 and 2008 actively targeted political parties and their business associates. Dozens of suspects were arrested, almost 100 were convicted, and hundreds more fled the country for fear of arrest. Responding to calls from the lower ranks of the army, the ACC announced in February 2008 that it would extend its campaign to the military. However, the leaders of the two main political parties had been released by September 2008, thwarting the CG's attempts to cleanse the political system from the top down. Bangladesh was ranked 147 out of 180 countries surveyed by Transparency International (TI) in its 2008 Corruption Perceptions Index. The local branch of TI noted in April that although the CG's campaign had effectively reduced large-scale corruption, smaller-scale graft and bribery remained rampant.

Bangladesh's media environment became more restrictive following the January 2007 government takeover. The Emergency Powers Rules (EPR) imposed under the military-backed CG limited coverage of sensitive topics, allowed censorship of print and broadcast outlets, criminalized "provocative" criticism of the government, and imposed penalties—including up to five years in prison and hefty fines—for violations. These rules remained in force until late 2008, but were more leniently applied than in 2007. Despite occasional cases of censorship, the print media were generally allowed more leeway than broadcasters and new media, particularly the private television channels that provide 24-hour news coverage. After the emergency rules were lifted in December, media were allowed to freely cover the parliamentary elections. Some of the journalists who had been arrested in early 2007 remained in custody in 2008, including Mohammad Atiqullah Khan Masud, editor of the national daily *Janakantha*. A journalist who was first arrested in 2003, Salah Uddin Shoaib Choudhury, still faced sedition, treason, and blasphemy charges; his trial began in June, but he was allowed to travel abroad while the trial was ongoing. Cartoonist Arifur Rahman, who was jailed in September 2007 for allegedly insulting

Islam through a cartoon depicting a cat named Mohammad, was released in March 2008 after a judge ruled that his continued detention was illegal. Separately, the government in October approved a Right to Information Ordinance that was welcomed by local and international advocacy groups. According to the press freedom group Article 19, the measure would apply to all information held by public bodies, simplify the fees required to access information, override existing secrecy legislation, and grant greater independence to the Information Commission charged with overseeing and promoting the law.

Journalists continue to be threatened and attacked with impunity by organized crime groups, party activists, and Islamist groups, although the level of harassment has declined and no journalists have been killed in Bangladesh for the past two years. Official reprisals against reporters and editors have worsened, with several cases of arbitrary arrest, prolonged detention, and custodial torture being documented, including those of Tasneem Khalil in 2007 and Noor Ahmed in 2008. Journalists have also reported an increase in threatening telephone calls from intelligence agencies seeking to prevent negative coverage, and many practice self-censorship when reporting on sensitive topics.

Islam is the official religion, but about 10 percent of the population is Hindu, and there are smaller numbers of Buddhists and Christians. Although religious minorities have the right to worship freely, they face societal discrimination and remain underrepresented in politics and state employment. In recent years, minorities have experienced an increase in both general intolerance and attacks. As documented by Human Rights Watch and others, the 100,000-strong Ahmadiyya sect, which is considered heretical by some mainstream Muslims, has faced greater hostility in the last several years, including physical attacks and boycotts. Anti-Ahmadiyya extremist groups have demanded that the state declare Ahmadis to be non-Muslims, but the government has not bowed to such pressures and generally acts effectively to protect Ahmadis and their property. Since the January 2007 emergency declaration, anti-Ahmadiyya demonstrations have largely ceased, although other forms of harassment and discrimination have continued, according to the U.S. State Department's 2008 International Religious Freedom Report.

While authorities largely respect academic freedom, research on sensitive political and religious topics is discouraged, according to the U.S. State Department's human rights report. Political polarization at many universities inhibits education and occasionally leads to clashes between students and security forces. Following antimilitary demonstrations by students in August 2007, authorities closed universities in six cities and arrested and prosecuted a number of students and professors on charges of inciting rioters. Campuses remained politicized; in February 2008, hundreds of Dhaka University students staged peaceful protests demanding AL leader Sheikh Hasina's release.

Under the EPR, rights of assembly and association were suspended, although these restrictions were eased gradually during 2008 and were fully lifted by year's end. Occasional demonstrations continued to take place, and protesters have sometimes been killed or injured during clashes with police. Numerous world-class nongovernmental organizations (NGOs) operate in Bangladesh and meet basic needs in fields such as education, health care, and microcredit. However, those perceived to have a political bias or to be overly critical of the government, particularly on human rights

issues, are subject to intense official scrutiny and occasional harassment. Amnesty International has noted that at least eight human rights defenders have been assassinated since 2000, and that many have been injured or threatened by criminal gangs or party factions. Others have faced arbitrary arrest and torture by the authorities.

Labor union formation is hampered by a 30 percent employee-approval requirement and restrictions on organizing by unregistered unions. Employers can legally fire or transfer workers suspected of union activities. The law bars many civil servants from joining unions; such workers can form associations but are prohibited from bargaining collectively. As with other rights, labor rights were restricted under the 2007 emergency regulations, but these were eased in September 2008. During the year, labor activists faced harassment, arrest, and criminal prosecution as they continued to monitor violations and organize workers. In April, thousands of workers in the crucial garment industry went on strike to demand higher pay in light of the rising cost of living.

In recent years, the judiciary had become increasingly politicized, with politically appointed judges at every level and frequent instances of executive-branch meddling in lower-court decisions. A 1999 Supreme Court directive ordered the separation of the judiciary from the executive, and unlike previous governments, the CG made this reform a priority. In November 2007, the power to appoint judges and magistrates was transferred from the executive branch to the Supreme Court. The Supreme Court's appellate division had often ruled against the government, according to the U.S. State Department's human rights report, but this changed after a new chief justice was appointed by the president in May 2008, superceding senior colleagues and in violation of the November 2007 reforms.

The judicial system is prone to corruption and severely backlogged; pretrial detention is lengthy, and many defendants lack counsel. The indigent have little access to justice through the courts. Prison conditions are extremely poor, and severe overcrowding is common, to the extent that prisoners have to sleep in shifts. According to the New Delhi-based Asian Centre for Human Rights, hundreds of juveniles are illegally held in prisons in contravention of the 1974 Children's Act. Suspects are routinely subjected to warrantless arrest and detention, demands for bribes, and physical abuse (including torture) at the hands of law enforcement officials. Torture is routinely used to extract confessions and intimidate political detainees. Mass preemptive arrests and serial detentions, which were common under previous governments, remained a regular feature under emergency rule; in 2007, an estimated 440,000 people were arrested, while approximately 60,000 were arrested in 2008, including 30,000 in June alone. Although most are held for very short periods of time, this practice has led to even more severe prison overcrowding, according to Human Rights Watch.

Many abuses take place at the hands of the Rapid Action Battalion (RAB), a paramilitary unit composed of some 4,500 members of the armed forces and police that was formed in 2004 to combat widespread lawlessness. Although initially popular, the RAB and other units engaged in anticrime campaigns have been criticized for excesses like extrajudicial executions. According to local rights watchdog Odhikar, 149 people were extrajudicially killed by law enforcement agencies in 2008, with members of various communist parties and armed groups accounting for most of these deaths. The Directorate General-Forces Intelligence (DGFI), a military intelligence unit, has also been responsible for a number of cases of abuse during interro-

gations. The climate of impunity was exacerbated by the state of emergency, which empowered and reduced oversight of the various security forces. Abuses and killings declined somewhat in 2008, but remained a serious concern.

Abuse by the authorities is facilitated by legislation such as the 1974 Special Powers Act, which permits arbitrary detention without charge, Section 54 of the Criminal Procedure Code, which allows detention without a warrant, and the EPR of 2007, which deprived detainees of a range of legal protections, such as the right to bail. Rights groups also expressed concern about a broadly drawn counterterrorism ordinance, adopted in June 2008, which did not meet international standards. According to Human Rights Watch, the new ordinance contains an overly broad definition of terrorist acts, criminalizes speech meant to support or "bolster the activities of" a banned organization, and allows convictions for financing terrorism based on mere suspicion of criminal conduct.

The CG did approve an ordinance to set up a national human rights commission in December 2007, but some rights groups noted that the appointments process would be dominated by government officials. They also warned that the commission would have limited financial independence and would lack the power to prosecute those it investigated.

Islamist militant groups were severely weakened by a 2006 crackdown, and although sporadic attacks continue to take place, the level of violence is negligible. The government is also combating a Maoist movement in the north that is connected to the banned Purbo Bangla Communist Party. Casualties from clashes involving leftist militants have dramatically declined in the past two years; according to the South Asia Terrorism Portal, 58 people, the vast majority of them militants, were killed in 2008.

Tribal minorities have little control over land decisions affecting them, and Bengali-speaking settlers continue to encroach illegally on tribal lands in the Chittagong Hill Tracts (CHT) with the reported connivance of government officials and the army. A 1997 accord ended a 24-year insurgency in the CHT that had sought autonomy for indigenous tribes and resulted in the deaths of 8,500 people. However, as documented by the Asian Centre for Human Rights, the accord has not been fully implemented, tribal inhabitants continue to be displaced to make way for army camps, and returning refugees have been unable to reclaim their land. The security forces have also been implicated in the suppression of protests and the arrest of political activists on spurious charges. Indigenous people remain subject to physical attacks and property destruction by Bengali settlers, according to Amnesty International. Land rights for the Hindu minority continue to be tenuous despite the annulment of the Vested Property Act in 2001.

Roughly 260,000 ethnic Rohingyas fleeing forced labor, discrimination, and other abuses in Burma entered Bangladesh in the early 1990s; some 28,000 refugees and 200,000 other Rohingyas who are not formally documented as refugees remain in the country. Bangladesh also hosts camp-like settlements of some 300,000 non-Bengali Muslims, often called Biharis, who had emigrated from India in 1947 and were rendered stateless at independence in 1971, as many had sided with and initially sought repatriation to Pakistan. In May 2008, a landmark court ruling granted citizenship rights to this group, enabling their access to social services and right to vote.

Rape, dowry-related assaults, acid throwing, and other forms of violence against women occur regularly. A law requiring rape victims to file police reports and obtain medical certificates within 24 hours of the crime in order to press charges prevents most

rape cases from reaching the courts. Police also accept bribes not to register rape cases and rarely enforce existing laws protecting women. The Acid Survivors Foundation (ASF), a local NGO, recorded 137 acid attacks during 2008; they affected 179 victims, most of them women. While investigation of acid-related crimes remains inadequate, the police have taken some steps to improve enforcement and prosecutions, and attacks have steadily declined since the passage of the Acid Crime Prevention Act in 2002.

Under the legal codes pertaining to Muslims, women have fewer divorce and inheritance rights than men. In rural areas, religious leaders impose flogging and other punishments on women accused of violating strict moral codes. Women also face some discrimination in health care, education, and employment. They remain underrepresented in government, although a 2004 constitutional amendment reserves 45 parliamentary seats for women, and a large number of women participated in the December 2008 elections. A draft policy announced by the CG in March 2008, which included the reservation of one-third of parliamentary seats for women to be held under direct elections, as well as improvements in women's access to property, was met with protests by some Islamist groups, who argued that equal inheritance rights to men and women contravened the Quran and Sharia law. As a result, the government appointed a committee of religious scholars to review the policy. Trafficking in both women and children remains extensive, but the government has taken steps to raise awareness and prosecute traffickers more vigorously; several dozen were convicted during 2008. Child labor is widespread.

## Barbados

**Population:** 300,000  
**Capital:** Bridgetown

**Political Rights:** 1  
**Civil Liberties:** 1  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

In 2008, Barbadian voters elected opposition leader **David Thompson of the Democratic Labour Party as the new prime minister, putting an end to Barbados Labour Party leader Owen Arthur's 14 years in office.**

Barbados gained its independence from Britain in 1966 but remained a member of the Commonwealth. The Barbados Labour Party (BLP) under Prime Minister Owen Arthur governed from 1994 to January 2008, when the opposition Democratic Labour Party (DLP) won a clear majority of 20 seats in the lower house of Parliament. The

BLP was left with the remaining 10 seats. Despite this stunning upset, the new government led by David Thompson of the DLP did not break markedly from the policies pursued by the Arthur government.

In 2008, Barbados was an active member of the Caribbean Community and enjoyed warm relations with most of its neighbors. Relations with Trinidad and Tobago cooled as the two countries attempted to implement a resolution of their bitter struggle over their maritime boundary and associated fishing rights. The verdict, delivered in April 2006 by the UN-supported Permanent Court of Arbitration in The Hague, had been seen as a victory for both parties, because it recognized the rights of Barbadian fishermen to fish in Trinidadian waters but rejected a claim by Barbados to exclusive maritime access. However, the two countries then called upon the UN to study the movement of fish through these waters in order to assess the equality of the earlier agreement. While waiting for the UN Food and Agriculture Organization study on fish resources in the region, minor skirmishes have occurred between the Trinidad and Tobago Coast Guard and Barbadian fishermen who are unwilling to wait until the issue is settled.

Separately, heavy migration flows from Guyana to Barbados continued to cause tension between the countries, and Barbados remained outside the Venezuelan-backed regional energy pact known as PetroCaribe due to concerns about accumulating additional debt. The pact offered Caribbean countries a guarantee of Venezuelan oil shipments on favorable financial terms. In May 2008, Prime Minister Thompson traveled to China to promote tourism and lay the groundwork for a future embassy in Beijing.

Barbados has been more successful than other Caribbean countries in combating violent crime, which remained at low levels in 2008. Joint patrols of the Royal Barbados Police Force and the Barbados Defence Force have managed to contain the problem, which was often linked to narcotics trafficking. The drug trade had begun to emerge as a major concern.

### **Political Rights and Civil Liberties:**

Barbados is an electoral democracy. The 30-member House of Assembly, the lower house of the bicameral Parliament, is elected for a five-year term. The governor-general, who represents the British monarch as head of state, appoints the 21 members of the Senate: 12 on the advice of the prime minister, 2 on the advice of the leader of the opposition, and the remaining 7 at his own discretion. The prime minister is the leader of the political party with a majority in the House.

Political parties are free to organize. Historically, power has alternated between two centrist parties—the DLP and the BLP. In addition to the parties holding parliamentary seats, other political organizations include the small, left-wing Worker's Party of Barbados. In 2006, the Clement Payne Movement established the People's Empowerment Party (PEP) as an opposition force favoring trade union rights and greater state intervention in the economy. The party's leader, David Comissiong, claimed that the current two-party system did not adequately address the full spectrum of the population's needs. The PEP got off to an inauspicious start when its founding members clashed over the new party's direction, and it played a negligible role in the 2008 parliamentary elections.

Barbados was ranked 22 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is fully respected. Public opinion expressed through the news media, which are free of censorship and government control, has a powerful influence on policy. Newspapers, including the two major dailies, are privately owned. Four private and two government radio stations operate. The single television station, operated by the government-owned Caribbean Broadcasting Corporation, presents a wide range of political viewpoints. There is unrestricted access to the internet.

The constitution guarantees freedom of religion, which is widely respected for mainstream religious groups, although members of Barbados's small Rastafarian community have protested prison regulations that require inmates to have their long dreadlocks cut off while in detention. Academic freedom is fully respected.

Barbados's legal framework provides important guarantees for freedom of assembly, which are upheld in practice. The right to form civic organizations and labor unions is respected. Two major labor unions, as well as various smaller ones, are active, although no major strikes were reported in 2008.

The judicial system is independent, and the Supreme Court includes a high court and a court of appeals. Lower-court officials are appointed on the advice of the Judicial and Legal Service Commission. There are occasional reports and complaints of the use of excessive force by the Royal Barbados Police Force to extract confessions, along with reports that police do not always seek warrants before searching homes. In 2008, four members of the police were charged with crimes against persons or property.

The prison system has taken steps to relieve overcrowding, including the construction of new facilities. A new prison facility with the capacity to house 1,250 inmates was completed in October 2007. The island's largest penitentiary had burned down in 2005, after a prison riot caused a fire and forced the Barbadian government to summon 120 security personnel from its Caribbean neighbors to help restore order. Barbados is considering judicial reform that would reduce overcrowding by keeping courts open longer to hear more cases per year; implementation was stalled due to the lack of available judges. Although the authorities have made significant efforts to discharge prison personnel alleged to have beaten inmates, their prosecution has not made substantial progress.

The country's crime rate, fueled by an increase in drug abuse and narcotics trafficking, has given rise to human rights concerns. The number of murders has not risen for several years, however, and an execution has not been administered in more than two decades, though juries are increasingly sentencing violent criminals to death. Meanwhile, a proposed constitutional change would allow convicts to be hanged as soon as possible after their appeals are exhausted. In an effort to restore the death sentences of two convicts who had received commutations to life imprisonment from the Barbados High Court in 2002, the government in 2005 appealed the case to the newly formed regional Caribbean Court of Justice (CCJ), which Barbados has ratified as its highest appellate court. In November 2006, the CCJ dismissed the government's case and rejected efforts to impose the death penalty on the convicts. In 2008, the death penalty remained a hot issue in Barbados, with the new DLP government arguing for it to be implemented but achieving little progress with the CCJ.

The 2008 UN Human Development Report gave Barbados the best score in Latin America and the Caribbean for economic and social development. The report measured life expectancy, educational attainment, per capita income, and other impor-



tant indicators. Women comprise roughly half of the country's workforce. A domestic violence law passed in 1992 gives police and judges greater power to protect women, but violence against and abuse of women and children continue to be serious social concerns.

## Belarus

**Population:** 9,700,000

**Capital:** Minsk

**Political Rights:** 7

**Civil Liberties:** 6

**Status:** Not Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF

### Overview:

Hopes that President Alyaksandr Lukashenka might loosen his grip on Belarus in 2008 proved illusory. After brutal crackdowns and additional arrests, Belarus released all of its political prisoners in August. The regime also agreed to allow international observers to monitor its September parliamentary elections. However, the monitors determined that the elections did not meet democratic standards, and no opposition members won representation, leaving them without a platform to influence political processes. Separately, the regime passed new legislation that tightened control over the media and extended it to the internet. Relations with Russia grew increasingly tense during the year, as Moscow continued to exert pressure to obtain higher prices for its energy exports and to acquire Belarusian companies through privatization. Despite strong European Union interest in improved relations, the absence of democratic reforms in Belarus made any progress extremely difficult.

Belarus declared independence in 1991, ending centuries of foreign control by Poland, Russia, and the Soviet Union. Stanislau Shushkevich, a reform-minded leader, served as head of state from 1991 to 1994. That year, voters made Alyaksandr Lukashenka, a member of parliament with close links to the country's security services, Belarus's first post-Soviet president. He pursued efforts at reunification with Russia and subordinated the government, legislature, and courts to his political whims while denying citizens basic rights and liberties. A 1996 referendum, highly criticized by domestic monitors and the international community, approved constitutional amendments that extended Lukashenka's term through 2001, broadened presidential powers, and created a new bicameral parliament (the National Assembly).

In October 2000, Belarus held deeply flawed elections to the Chamber of Repre-

sentatives, the parliament's lower house. State media coverage of the campaign was limited and biased, and approximately half of all opposition candidates were denied registration. Following a boycott by seven opposition parties, only three opposition candidates were elected.

Lukashenka won reelection in September 2001 amid accusations by former security-service officials that the president was directing a death squad aimed at silencing his opponents. Four politicians and journalists who had been critical of the regime disappeared during 1999 and 2000. Western observers judged the election to be neither free nor fair. On election day, Lukashenka declared himself the victor with 75 percent of the vote, while opposition candidate Uladzimir Hancharyk was credited with 15 percent. However, independent exit polls showed that Lukashenka had received 47 percent of the vote and Hancharyk 41 percent, an outcome that by law should have forced a second round. By 2002, Lukashenka had launched a campaign of political retribution against those who had opposed him during the presidential campaign.

Legislative elections and a parallel referendum on the presidency were held in October 2004. The Central Election Commission claimed that 90 percent of voters took part in the plebiscite, with some 79 percent of them endorsing the government's proposal to allow Lukashenka to run for a third term in 2006. According to official results, not a single opposition candidate entered the National Assembly. A monitoring mission by the Organization for Security and Cooperation in Europe (OSCE) declared that the parliamentary elections fell "significantly short" of Belarus's OSCE commitments. An independent exit poll found that just 48.4 percent of eligible voters backed the referendum.

Ukraine's Orange Revolution, unfolding only five weeks after the Belarusian constitutional referendum, raised the regime's concerns that a similar protest movement could occur in Minsk. Lukashenka bolstered the law enforcement agencies in 2005 and purged their ranks of potential dissenters. Amendments to the Law on Interior Troops introduced in February 2005 allowed for the discretionary use of firearms against protesters on orders from the president.

The March 19, 2006, presidential election, in which Lukashenka won a third term, was neither free nor fair, and the OSCE declared that the voting did not meet democratic standards. Although four candidates competed, Lukashenka's victory was clear from the start. The government took harsh repressive measures against the opposition, detaining and beating many campaign workers, including Alyaksandr Kazulin, one of the opposition candidates. Though there were no reliable exit polls, the opposition asserted that Lukashenka could not have won the 83 percent of the vote that he claimed.

The election provoked the largest public protest of Lukashenka's tenure, bringing 10,000 to 15,000 activists onto Minsk's October Square on election day. Between 500 and 1,000 individuals were arrested on March 25, including Kazulin, who was sentenced to five and a half years in jail for protesting the flawed election and the subsequent crackdown. Most other protesters received sentences of 15 days or fewer. Opposition activity dwindled after the protests.

Through the middle of 2008, the government typically jailed opposition leaders and intimidated rank-and-file members with fees and warnings. In April, the regime imprisoned businessman Sergei Parsyukevich for protesting new business rules intro-

duced by Lukashenka. Another businessman, Andrei Kim, was jailed for allegedly attacking a policeman. On August 16, the regime violently cracked down on a demonstration held in memory of the politicians who had disappeared in 1999 and 2000.

However, as the September 28 parliamentary elections approached, the regime changed course. By August 19, following the release of several prisoners in the spring, the regime had released all of its political prisoners, including Parsyukevich, Kim, and Kazulin.

Many hoped that the parliamentary elections would mark a break from the government's hostility to democracy, but not a single opposition candidate won a seat. The OSCE's final report concluded that the elections "fell short of OSCE commitments for democratic elections," citing serious concerns about freedom of assembly and expression, a lack of transparency in the vote count, tightly controlled electoral commissions for which the regime appointed more than 99 percent of the vote counters (only 43 of the 69,845 precinct electoral commission members represented opposition parties), and a campaign atmosphere that did not provide sufficient information or alternate points of view, which would have allowed voters to make an informed choice. However, some opposition candidates reported they were better able to meet with constituents without interference and had better access to district election commissions.

Russia continued to ratchet up pressure on Belarus during the year, demanding that it pay higher prices for natural gas imports and sell key industrial assets to Russian business interests. The increased strain on the Belarusian economy threatened to weaken Lukashenka's hold on power, but there were no signs that the regime was faltering in 2008. While the European Union showed interest in improving ties with Belarus and lifting some sanctions to reduce Russian influence, the undemocratic elections made such initiatives difficult to pursue. Belarus did signal that it wanted to move out of Russia's grip by opting not to recognize the independence of the breakaway Georgian regions of Abkhazia and South Ossetia, as Russia did in August, but Lukashenka took no concrete steps to foster democratic change.

**Political Rights and Civil Liberties:** Belarus is not an electoral democracy. Serious and widespread irregularities have marred all recent elections.

The National Assembly of the Republic of Belarus is composed of two houses. The 110 members of the Chamber of Representatives are popularly elected for four years on the basis of single-mandate constituencies. The upper house, the Council of the Republic, consists of 64 members serving four-year terms; 56 are elected by regional councils and 8 are appointed by the president. The constitution vests most power in the president, giving him control over the government, courts, and even the legislative process by stating that presidential decrees have a higher legal force than the laws. The National Assembly serves largely as a rubber-stamp body. The president is elected for five-year terms, and there are no term limits.

As a result of the concentration of power in the hands of the president, political parties play a negligible role in the political process. Opposition parties have no representation in the National Assembly, while propresidential parties serve only superficial functions. Local elections held in January 2007 also failed to give voters a choice, and the opposition declared that the outcome was falsified. There was "minimal public participation.

Corruption is fed by the state's dominance of the economy and the overall lack of transparency and accountability in government. Belarus was ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The regime of President Alyaksandr Lukashenka systematically curtails press freedom. Libel is both a civil and a criminal offense. State media are subordinated to the president, and harassment and censorship of independent media are routine. Belarusian national television is completely under the control of the state and does not provide coverage of alternative and opposition views. The State Press Committee issues warnings to publishers for unauthorized activities such as distributing copies abroad and reporting on unregistered organizations; it can also arbitrarily shut down publications without a court order. The news bulletins and daily playlists of all FM radio stations are censored. The state-run press distribution monopoly refused in 2005 to continue distribution of most of the country's independent newspapers, though it resumed distribution of limited copies of two popular publications, *Narodnaya Volya* and *Nasha Niva*, in November. In late March 2008, the KGB searched the homes of more than a dozen independent journalists and confiscated the hard drives of some of them. In August, Lukashenka signed a media law that put internet sites under the same restrictions as regular media and allowed local authorities to close down independent publications for minor violations. According to the law, the Council of Ministers will exercise control over internet media. On November 10, Lukashenka signed an additional law that gives the state monopoly rights over information about political, social, and economic affairs.

Despite constitutional guarantees that "all religions and faiths shall be equal before the law," government decrees and registration requirements have increasingly restricted religious activity. Amendments in 2002 to the Law on Religions provided for government censorship of religious publications and prevented foreign citizens from leading religious groups. The amendments also place strict limitations on religious groups that have been active in Belarus for fewer than 20 years. The government signed a concordat with the Belarusian Orthodox Church in 2003, and the church enjoys a privileged position. The authorities have discriminated against Protestant clergy and ignored anti-Semitic attacks, according to a U.S. State Department report.

Academic freedom is subject to intense state ideological pressures, and institutions that use a Western-style curriculum, promote national consciousness, or are suspected of disloyalty face harassment and liquidation. Official regulations stipulate the immediate dismissal and revocation of degrees for students and professors who join opposition protests. Wiretapping by state security agencies limits the right to privacy.

The Lukashenka government limits freedom of assembly for critical independent groups. Protests and rallies require authorization from local authorities, who can arbitrarily withhold or revoke permission. When public demonstrations do occur, police typically break them up and arrest participants, as happened throughout the year in 2008.

Freedom of association is severely restricted. More than a hundred of the most active nongovernmental organizations (NGOs) were forced to close down between 2003 and 2005. In December 2005, Lukashenka signed amendments to the criminal

code that criminalized participation in an unregistered or liquidated political party or organization, allowing further punitive measures against groups that refused to shut down. As a result, most human rights activists operating in the country face potential jail terms ranging from six months to two years. Regulations introduced in 2005 ban foreign assistance to NGOs, parties, and individuals who promote "meddling in the internal affairs" of Belarus from abroad. The government signaled a slight thaw in December 2008, however, when it registered the Movement for Freedom NGO, led by former presidential candidate Alyaksandr Milinkevich. Independent trade unions face harassment, and their leaders are frequently arrested and prosecuted for peaceful protests and dismissed from employment. Over 90 percent of workers have fixed-term contracts, meaning that the government can end their jobs for any reason when the contract expires.

Although the country's constitution calls for judicial independence, courts are subject to significant government influence. The right to a fair trial is often not respected in cases with political overtones. The police in Belarus use excessive force, according to UN Special Rapporteur Adrian Severin. Human rights groups continue to document instances of beatings, torture, and inadequate protection during detention in cases involving leaders of the democratic opposition.

An internal passport system, in which a passport is required for domestic travel and to secure permanent housing, limits freedom of movement and choice of residence. As of January 2008, citizens no longer need a travel permit before going abroad. At the same time, the government created a database that will include nearly 100,000 people who cannot leave the country. The country's command economy severely limits economic freedom.

Ethnic Poles and Roma often face discrimination. Women are not specifically targeted for discrimination, but there are significant discrepancies in income between men and women, and women are poorly represented in leading government positions. As a result of extreme poverty, many women have become victims of the international sex trade.

# Belgium

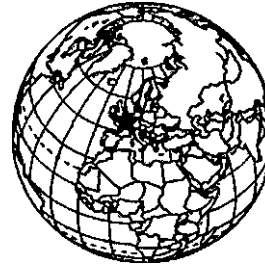
**Population:** 10,700,000

**Capital:** Brussels

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Flemish leader Yves Leterme became prime minister in March 2008, nine months after his centrist Christian Democratic and Flemish party placed first in parliamentary elections. Contentious coalition talks had caused the delay, and the viability of the new government remained in doubt for much of the year. Leterme ultimately resigned in December, after the government was accused of attempting to interfere with a court ruling on the breakup of Fortis, a bank that was crippled by a global financial crisis in the fall. King Albert II swore in Herman Van Rompuy, also a Flemish Christian Democrat, as the new prime minister on December 30.

Modern Belgium dates to 1830, when the territory broke away from the Netherlands and formed an independent constitutional monarchy. In the 20th century, Belgium became one of the founding members of the European Union (EU) and still hosts the organization's central administration in Brussels.

Ethnic and linguistic conflicts broke out between the different communities in the country during the 1960s, prompting a series of constitutional amendments in 1970, 1971, and 1993 that devolved considerable power from the central government to the three regions in the federation: French-speaking Wallonia in the south, Dutch-speaking Flanders in the north, and Brussels, the capital, where French and Flemish share the same official status. The small German minority in Wallonia, which consists of around 70,000 people, has also been accorded cultural autonomy. The 1993 amendments granted the three regional assemblies primary responsibility in a number of important policy areas, including housing, education, and the environment, while keeping foreign policy, defense, justice, and monetary policy in the hands of the central government.

During parliamentary elections in 2003, the two main blocs in the ruling coalition—the Liberals (the Flemish Liberal Democrats, or VLD, and the Reform Movement, or MR) and the Socialists (the Socialist Party, or PS, and the Socialist Party Alternative, or SPA)—both gained at the expense of the Greens, who were forced out of the coalition.

The far-right Vlaams Belang Party (the former Vlaams Blok) enjoyed its best showing yet in the 2006 local elections, gaining 20 percent of the vote in Flanders. The

party did, however, drop to second place in its stronghold, the city of Antwerp. Vlaams Belang was extreme in its advocacy of Flemish independence, but cultural and economic differences between the country's regions had contributed to political rifts between Flemish and Francophone parties across the ideological spectrum, with the wealthier Flemish north seeking increased self-rule and reduced taxpayer support for the less prosperous Wallonia.

Flanders premier Yves Leterme's centrist Christian Democratic and Flemish (CDV) party—in an electoral bloc with the New Flemish Alliance (N-VA)—led the June 2007 parliamentary elections with 30 of 150 seats in the lower house. The remaining seats were divided among 10 other factions. Leterme was invited by King Albert II to form a new government, but because the Flemish and Walloon parties were unable to agree on coalition terms, outgoing prime minister Guy Verhofstadt stayed on as a caretaker. After months of deadlock, the king in December 2007 asked Verhofstadt to form an interim government with the authority to act on pressing economic and other concerns.

In February 2008, a majority of political parties agreed on an outline for limited constitutional reform, which cleared the way for Leterme to become prime minister the following month. However, he was unable to consolidate support after taking office. The king rejected his offer to resign in July, after he failed to win approval for a regional autonomy plan, and lawmakers began to leave the ruling coalition during the fall. Leterme's government was ultimately brought down by a scandal linked to the financial crisis that swept the world in September. The state bought a large percentage of shares in Fortis, a crippled bank, but shareholders sued, alleging they had not been informed of the sale. Leterme's office was accused of attempting to influence the judge presiding over the case. The prime minister offered his resignation again in December, this time refusing to return to his post. On December 30, the king swore in Herman Van Rompuy, also of the CDV, to replace him.

**Political Rights and Civil Liberties:** Belgium is an electoral democracy. Parliament consists of two houses: the Chamber of Deputies and the Senate. The 150 members of the Chamber of Deputies are elected directly by proportional representation. In the Senate, there are 71 seats, with 40 filled by direct popular vote and 31 by indirect vote. In both houses, members serve four-year terms. The prime minister, who is the leader of the majority party or coalition, is appointed by the monarch and approved by Parliament. The party system is highly fragmented, with each standard ideological niche occupied by separate Flemish and Walloon parties.

In November 2004, Belgian courts banned the xenophobic Vlaams Blok party for violating the country's antiracism laws. The party changed its name to Vlaams Belang (Flemish Interest) and removed some of the most overtly racist elements from its platform, such as its call for the mandatory expulsion of all Muslim immigrants. However, the party maintains its anti-immigrant and anticrime positions, as well as its commitment to an independent Flanders. The May 2006 murder of a Malian nanny and the two-year-old girl in her care by a gunman with far-right associations raised concerns across the country about growing intolerance and rising support for Vlaams Belang. The party was the third-largest vote-earner in the 2007 Chamber of Deputies elections, taking 12 percent of the vote and 17 seats. In February 2004, Parliament

granted non-EU immigrants who have been living in the country for at least five years the right to vote in local elections.

Belgium has minimal issues regarding corruption and was ranked 18 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of speech and the press are guaranteed by the constitution and generally respected by the government. A law on the protection of journalists' sources was enacted in 2005, in the wake of a 2004 incident in which police raided the home and office of a Brussels reporter. In 2008, Brussels courts ruled against two magazines in separate defamation cases; *MO Magazine* and *Humo* had published allegedly damaging images of a wealthy industrialist and the federal police chief, respectively. *MO Magazine* was required to pay a symbolic 1 euro fee to industrialist Georges Forrest after depicting him in a 2006 issue dressed as late Zairean dictator Mobutu Sese-Seko, but the court rejected Forrest's lawsuit. *Humo* was ordered to remove all copies of the issue showing the doctored image of the police chief and a secretary in a compromising pose. Concentration of newspaper ownership has progressed since the 1960s, leaving most of the country's papers in the hands of a few corporations. The public broadcasters of the two linguistic communities are operated separately, and Belgians have access to numerous private outlets. The government does not limit access to the internet.

Freedom of religion is protected, and the state grants subsidies to Christian, Jewish, and Muslim institutions. About half of the population identifies itself as Roman Catholic. Members of a number of minority religions have complained of discrimination by the government, which has been criticized for its characterization of some non-Catholic groups as "sects." The government does not restrict academic freedom.

Freedom of association is guaranteed by law, except for groups that practice discrimination "overtly and repeatedly." Freedom of assembly is also respected. About 63 percent of the workforce is unionized. Employers found guilty of firing workers because of union activities are required to reinstate the workers or pay an indemnity. According to the International Confederation of Free Trade Unions, Belgian employers prefer to pay the fines rather than reinstate the dismissed employees.

The judiciary is independent, and the rule of law generally prevails in civil and criminal matters. In July 2004, a UN Human Rights Committee report expressed concerns about a number of human rights abuses, including acts of brutality and racial discrimination by the police. The report also cited the treatment of rejected asylum seekers and illegal immigrants awaiting deportation, who were often held in unsanitary conditions in Brussels national airport, sometimes for several months. The European Court of Human Rights in 2008 ordered Belgium to pay two Palestinian asylum seekers 15,000 euros each (roughly US\$22,000) in damages after they were detained in the airport in 2002.

Specific antiracism laws prohibit and penalize the incitement of discrimination, acts of hatred, and violence based on race, ethnicity, or nationality. Despite these protections, equality of opportunity for foreigners is undermined by a relatively high degree of racial and ethnic intolerance in society. Police are empowered to reprimand or even imprison women found dressed in the burqa (a full-body covering worn by some Muslim women) on the street.

The law provides for the free movement of citizens at home and abroad, and the



government does not interfere with these rights. In 2007, the government issued identity cards to all citizens and residents.

The government actively promotes equality for women. In 2003, it created the Institute for the Equality of Men and Women, formerly the Ministry of Labor's Division of Equal Opportunity, which is empowered to initiate sex-discrimination lawsuits. Women won more than 35 percent of the seats in the Chamber of Deputies, and 38 percent of the seats in the Senate, during the 2007 elections.

Belgium is a destination and transit point for trafficked persons. However, according to the U.S. State Department's Trafficking in Persons Report for 2007, the country made considerable efforts to prosecute traffickers, provide protection to victims, and prevent trafficking.

## Belize

**Population:** 300,000

**Capital:** Belmopan

**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

Political Rights, Civil Liberties, Status									
1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F

### Overview:

Dean Barrow took office as prime minister in February 2008 after his United Democratic Party ousted the ruling People's United Party in national elections, but he was soon criticized for introducing amendments to the constitution that would, among other things, authorize arbitrary detentions and expand government wiretapping. Additional challenges during the year included rising food prices, a destructive hurricane season, and a continued increase in violent crime.

Belize achieved independence from Britain in 1981 but remained a member of the Commonwealth. The government has since changed hands a number of times, alternating between the center-right United Democratic Party (UDP) and the center-left People's United Party (PUP).

Said Wilbert Musa of the PUP was initially elected as prime minister in 1998, and he became the country's first prime minister to secure a consecutive term after the PUP won again in 2003. However, the opposition UDP swept the 2006 local elections amid public dissatisfaction with corruption scandals, increased taxation, and rising crime rates. In 2007, public protests broke out, focusing on issues including education and financial mismanagement. The Musa government's plan to take over the

debt of Universal Health Services (UHS), a private company, was particularly controversial. Belize received a US\$10 million grant from the Venezuelan government that year for the construction and repair of housing, but the funds were diverted to Belize Bank to assist in the repayment of a government-guaranteed loan to UHS.

The ruling PUP was overwhelmingly defeated in February 2008 elections, taking some 41 percent of the vote. The UDP, led by Dean Barrow, secured almost 57 percent of the ballots and 25 out of 31 seats in the lower house of the National Assembly. Smaller parties won a combined 2 percent of the vote. Voter turnout was lower than in the last elections, but the voting was determined to be free and fair.

The new government sued Belize Bank over the disputed funds, claiming that the previous administration had made agreements on illegal grounds and without the approval of the National Assembly.

In April, the Barrow government proposed a sixth amendment to the constitution that would allow for wiretapping and preventative detention. Opponents of the bill argued that it could easily be abused. The bill also provided the government with the right to seize property if mineral resources are discovered on it. The measure was passed by the National Assembly in August, and the government then sought a decision from the Supreme Court on whether the amendment could become law without a national referendum, which was ordinarily required. The bill was still under consideration at year's end.

Less than a year after the destruction wrought by Hurricane Dean, Belize was hit by Tropical Storm Arthur in May 2008. The storm caused tens of millions of dollars in damage, and seven people were reported dead. Food security was also an area of concern in 2008. By the end of the first quarter, the price of flour had risen by more than 40 percent, and businesses were experiencing shortages. In September, the government announced the creation of a new mechanism to disburse US\$2 million in food subsidies.

The discovery of oil deposits in Belize's western border region in 2006 raised hopes of future earnings as well as concerns about the environment and corruption. Belize in 2006 joined Venezuela's PetroCaribe program, which continued to supply the majority of the country's oil on favorable financing terms in 2008. Venezuela and Belize in 2006 also created a joint venture to search for additional Belizean reserves, and in September 2008, the country signed an offshore exploration deal with Taiwan's state-owned oil company.

After two years of progress on their long-standing border dispute, tensions between Belize and Guatemala rose in 2007 over the settlement of 134 Guatemalan citizens in a community on Belizean territory. On December 8, 2008, Guatemala and Belize signed a historic agreement at the Organization of American States to take the border dispute to the International Court of Justice in The Hague.

### **Political Rights and Civil Liberties:**

Belize is an electoral democracy. The head of state is the British monarch, represented by a governor-general. The 31-seat House of Representatives, the lower house of the bicameral National Assembly, is elected for five-year terms. The 12 members of the Senate are appointed to five-year terms, with 6 appointed by the governor-general on the advice of the prime minister, 3 on the advice of the opposition leader, and 3 on the advice of major civil society groups. There are no restrictions on the right to

organize political parties, and the interests of Mestizo, Creole, Mayan, and Garifuna ethnic groups are represented in the National Assembly. The country's major parties are the center-right UDP and the center-left PUP.

Government corruption scandals have included the illegal sale of passports and birth certificates and bad loans made by the country's social security board. While the government initiated a U.S.-sponsored system to check passports in 2005, the document fraud problems have reportedly continued. In October 2008, Belize City mayor Zenaida Moya was ordered by the Ministry of Local Government to pay back nearly US\$90,000 that she had misappropriated between March 2006 and September 2008, but the money had not yet been paid back at year's end. Belize was ranked 109 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Belize has an open media environment, although the law allows for some government control. The authorities may imprison (for up to three years) or fine (up to US\$2,500) journalists or others who criticize the financial disclosures of government officials, though these laws have not been applied in recent years. According to the U.S. State Department, two reporters were attacked in their homes shortly after speaking out against government corruption in 2007. In general, however, Belizean media are notable for their diversity of opinion, and there is little fear of government reprisal for criticism. The Belize Broadcasting Authority has the right, albeit rarely invoked, to prior restraint of all broadcasts for national security or emergency reasons. Belize has one daily newspaper and 10 weeklies, including 2 that are supported directly by political parties. There are 10 radio stations and 2 television networks, along with a variety of cable outlets. Internet penetration is the second highest in Central America.

There is full freedom of religion in Belize, and academic freedom is respected.

Freedoms of assembly and association are generally respected. A large number of nongovernmental organizations are active, and Belize's labor unions remain politically influential despite their shrinking ranks. Official boards of inquiry adjudicate disputes, and businesses are penalized for labor-code violations. However, the government has done little to combat antiunion discrimination, and workers who are fired for organizing rarely receive reparations.

The judiciary is independent and nondiscriminatory, and the rule of law is generally respected. Despite an increase in crime, the heavy backlog of cases decreased in 2007 because of several dismissals. However, the proportion of inmates awaiting trial rose to 23.5 percent in 2008, from 21.7 percent in 2007. Cases are often prolonged for years while defendants are free on bail. Reports of police misconduct are investigated by the department's internal affairs office or by an ombudsman's office. Extrajudicial killing and use of excessive force are among the country's primary human rights concerns.

Violent crime, money laundering, and drug trafficking continued unabated in 2008 due to insufficient countermeasures and government corruption. The country's murder rate has risen steadily since 1997, with 103 homicides reported in 2008, up from 97 homicides reported in 2007, and 49 in 2006.

According to the International Center for Prison Studies, Belize has the 12th-highest prison-to-public ratio, with about 468 inmates per 100,000 inhabitants. Prisons do not meet minimum standards, although the Hattieville Prison is now run by

a nonprofit foundation that has improved conditions somewhat. There have been investigations into the brutalization of inmates by prison authorities, and at least three senior prison officers have been dismissed over brutality and bribery allegations. The prison occupancy level is at 86 percent.

The government actively discourages racial and ethnic discrimination. Although the Mayans claim to be the original inhabitants of Belize, the government has designated only 77,000 acres as Mayan preserves, and no recent action has been taken regarding the 500,000 acres of disputed land. Most of the indigenous population lives in the south, the poorest part of the country. The Belize Human Rights Commission is independent and effective, although it is allocated limited resources.

Most of the estimated 40,000 Spanish-speaking immigrants in the country lack legal status, and undocumented workers continue to be exploited. Chinese and Indian nationals have been found to be working as bonded labor, and the majority of women working in brothels are from Guatemala, Honduras, and El Salvador.

Violence against women and children remains a serious concern, as does the prevalence of child labor in agriculture. In an effort to combat child abuse, the National Committee of Families and Children proposed amendments to the Sex and Prohibition Act in 2008, but sexual offenses against minors are on the rise. According to UNAIDS, the growing adult HIV-prevalence rate has reached about 2.4 percent. There were reports of discrimination against persons living with HIV/AIDS in 2008, despite the government's efforts to educate the public about the illness.

Belize is a source, transit, and destination country for women and children trafficked for prostitution and forced labor. The U.S. State Department's 2007 Trafficking in Persons Report upgraded Belize to Tier 2 from Tier 3 after it adopted a U.S. plan to intensify intelligence gathering, conduct raids, and assist victims, and it remained in Tier 2 in 2008, but human trafficking remains a major challenge.

## Benin

**Population:** 9,300,000

**Capital:** Porto-Novo

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,2F	3,2F	3,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

President Boni Yayi's coalition in the National Assembly fell apart in 2008, threatening his progress on corruption reform and privatization. Yayi passed a number of laws by

**decree in July, drawing accusations that he had abused his powers. Separately, the election commission was heavily criticized for corruption and mismanagement of the year's local elections, in which the opposition performed well.**

Six decades of French rule in Benin ended in 1960. Mathieu Kerekou took power 12 years later, ending a series of coups and imposing a one-party system along with other communist policies. However, by 1990 economic hardship and rising internal unrest forced Kerekou to hold a national conference that eventually ushered in democracy. The transition culminated in his defeat by Nicephore Soglo in the 1991 presidential election, and the country's human rights record subsequently improved. Kerekou returned to power in 1996 through a democratic election, and he secured another term in 2001 after his two main opponents boycotted a runoff due to administrative problems and alleged fraud.

In March 2003, legislative elections gave the ruling coalition a majority in the National Assembly for the first time since democratization, and the voting was generally considered free and fair despite low voter turnout and logistical problems. Pro-Kerekou candidates also performed well in the country's first ever local elections, which were held ahead of the legislative polls in a move toward decentralization.

The presidential election in 2006 featured unprecedented competition, since both Kerekou and Soglo were ineligible due to their ages, and Kerekou had refused to name a successor. Boni Yayi, an independent candidate and former president of the regional development bank, emerged as the victor after running on the slogan "young, new, and honest." In keeping with this theme, Yayi composed his new cabinet primarily of political novices and set about tackling government corruption, transferring power and finances to municipalities, and privatizing state companies.

The absence of Kerekou and Soglo also caused divisions within the country's traditional parties ahead of the 2007 legislative elections. A coalition of parties supporting Yayi, led by the Cowrie Forces for an Emerging Benin (FCBE), won a majority of the seats. All but three seats changed hands, demonstrating the public's desire for new leadership. The elections were generally considered to be free and fair despite a delay due to "practical difficulties."

Technical problems with elections are common in Benin owing primarily to the country's poverty and limited infrastructure. However, the 2008 local elections proved to be especially problematic and were characterized by disorganization, significant delays, and serious irregularities. Initially slated for February, the balloting was postponed until April due to the usual logistical issues, such as voter registration and ballot transportation. Electoral irregularities then led to contestation of the results in 24 districts; these had to be annulled and the elections rescheduled, some for as late as September. According to final results, opposition parties performed particularly well.

In the period before the local elections, the Supreme Court reprimanded the board of the Autonomous National Election Commission (CENA) three separate times for "politicization" and "lack of probity," and five CENA members were later arrested for stealing 50,000 electoral cards. While the five were eventually released and charged with lesser crimes, the incidents significantly undermined public confidence in the commission. The government promised to create a permanent computerized electoral register, and work on the project officially began in September.

In February, the government set up a committee, led by a former member of the Constitutional Court, to recommend constitutional changes with the aim of eliminating lingering elements of communism from the charter. However, many opposition leaders argued that Yayi would use the opportunity to increase executive power. During the year, Yayi drew increasing opposition criticism for alleged abuses of power, and the pro-Yayi parliamentary majority gradually unraveled. As a result, many of Yayi's anticipated anticorruption reforms failed to win passage, decentralization and privatization measures were postponed, and Yayi took the extraordinary step of passing three laws by decree in July, using a power that is usually reserved for times of crisis. The president offered to take more opposition members into his cabinet, but the positions he proposed were deemed unsatisfactory.

### Political Rights and Civil Liberties:

Benin is an electoral democracy. The country held its first multiparty elections in 1991 and now has dozens of political parties. Despite delays and disorganization, the 25-member CENA effectively oversaw the 2007 legislative polls, which were considered free and fair. However, the commission's performance noticeably deteriorated in the 2008 local elections, which were plagued by delays, corruption, and irregularities.

The president is elected by popular vote for a five-year term and serves as both the chief of state and head of government. Delegates to the 83-member, unicameral National Assembly serve four-year terms.

Historically, Benin has been divided between northern and southern ethnic groups, which are the main support bases of current political parties. However, since the 2006, presidential election, traditional parties like former president Mathieu Kerekou's Presidential Movement and former president Nicephore Soglo's Renaissance Party of Benin have given way to a plethora of smaller parties and fragile political alliances.

Current president Boni Yayi has made the fight against endemic corruption a top priority, refusing to appoint members of the traditional parties to his cabinet. In 2006 he signed into law an official code of conduct for government officials that led to the arrest of an influential petroleum tycoon on fraud charges and the audit of 60 state-run companies as well as overseas Beninese embassies. Many of these anti-corruption efforts stalled in 2008 due to the disintegration of the pro-Yayi alliance in the legislature. Benin was ranked 96 out of 180 countries surveyed in Transparency International's 2008 Corruption Perception Index.

Constitutional guarantees of freedom of expression are largely respected in practice. An independent and pluralistic press publishes articles that are highly critical of government and party leaders. In 2008, the four largest opposition parties released a list of complaints about the Yayi administration to the public, including their dissatisfaction with the government's treatment of the press. However, few specific press freedom violations were reported in 2008. The most serious was an independent journalist's report that he had been repeatedly threatened and intimidated by a high-ranking military official while trying to cover the parliament.

The government actively seeks to ensure religious and academic freedom. Through a number of recent high-profile cases, the Constitutional Court has reaffirmed religious rights and the separation of church and state. Religious groups must register with the Ministry of the Interior. While religious institutions are per-

mitted to run private schools, public schools are prohibited from providing religious instruction.

Freedom of assembly is respected in Benin, and requirements for permits and registration are often ignored. Demonstrations are typically allowed to proceed peacefully. However, when an impromptu protest erupted in 2008 over a roadblock that remained after a presidential motorcade had passed, presidential guards fired on the crowd and killed two people; by year's end, no one had been held accountable for these deaths. Numerous nongovernmental organizations (NGOs) and human rights groups operate throughout the country without hindrance.

The right to organize and join labor unions is constitutionally guaranteed. Unions played a central role in the country's democratization and remain powerful today. In January 2006, six of Benin's seven trade unions mounted strikes in response to the proposed election delay, temporarily immobilizing schools, government offices, and media outlets. No such election-related protests have taken place since, but the teachers' and paramedics' unions mounted strikes throughout 2008 to demand improvements in salaries and benefits.

The judiciary is generally considered to be independent of and respected by the executive branch. Still, the majority of current Supreme Court judges were appointed either by Yayi or by the National Assembly when it was led by a pro-Yayi alliance. The judiciary as a whole is also considered to be inefficient, susceptible to corruption, and painfully slow. More than 90 percent of cases for overdue payments are never resolved in the courts, and there are now more pretrial detainees than convicts behind bars. Harsh prison conditions aggravate the situation; cells in Cotonou and Abomey prisons, for example, hold six times the intended number of inmates. Amnesty International included Benin in its annual *State of the World's Human Rights* report for the first time in 2008, citing the country's horrific prison conditions and police brutality.

Relations among Benin's ethnic groups are generally good, although regional divisions occasionally flare up, particularly between the north, where Boni Yayi is from, and the south. Minority ethnic groups are well represented in government agencies, the civil service, and the armed forces. Societal prejudices against women in the workplace and open homosexuality are evident, though not ubiquitous. These prejudices tend to manifest themselves in a nonviolent manner.

Human trafficking is widespread in Benin and primarily targets women and children. Following the signing of a regional antitrafficking accord, the National Assembly passed a law formally outlawing human trafficking in 2006, and a number of traffickers were arrested in 2007 and 2008. However, the 2006 law does not prohibit all forms of trafficking, and the sentences handed down to date—ranging from 3 months to 1 year—are far short of the 20-year maximum sentence provided for by the law.

Although the constitution provides for gender equality, women enjoy fewer educational and employment opportunities than men, particularly in rural areas. In cooperation with UNICEF, the government has enacted a campaign to increase awareness of the need to educate women. A family code promulgated in 2004 improved women's inheritance, property, and marriage rights, and prohibited forced marriage and polygamy. Nonetheless, legal rights pertaining to family matters are frequently unknown or ignored.

## Bhutan

**Population:** 700,000

**Capital:** Thimphu

**Political Rights:** 4\*

**Civil Liberties:** 5

**Status:** Party Free



**Status Change:** Bhutan's political rights rating improved from **6** to **4**, and its status improved from Not Free to Partly Free, due to largely successful national elections held in 2008.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	7,6NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	4,5PF

### Overview:

**Bhutan completed its transition from absolute to constitutional monarchy in 2008. The final rounds of parliamentary elections were held in January and March, and both were deemed generally free and fair. While more than 100,000 ethnic-Nepali Bhutanese remain in refugee camps in Nepal, several thousand were resettled in the United States during the year.**

Britain began guiding Bhutan's affairs in 1865, and in 1907, the British helped install the Wangchuck dynasty. A 1949 treaty allowed newly independent India to assume Britain's role in conducting Bhutan's foreign and defense policies. In 1971, Jigme Singye Wangchuck succeeded his father as king.

Reversing its long-standing tolerance of cultural diversity, the government in the 1980s began imposing restrictions on Nepali speakers, also known as Southern Bhutanese, ostensibly to protect the culture of the ruling Ngalong Drukpa ethnic group. In 1988, the government began stripping thousands of Nepali speakers of their citizenship. The newly formed Bhutanese People's Party (BPP) responded in 1990 with sometimes violent demonstrations, prompting a government crackdown. Tens of thousands of Southern Bhutanese fled or were expelled to Nepal in the early 1990s, with credible accounts suggesting that soldiers raped and beat many villagers and detained thousands as "antinationalists."

In 2003, with support from Indian forces, the army expelled about 3,000 members of the United Liberation Front of Assam (ULFA), an Indian separatist group, from southern Bhutan. In 2006, a tenuous ceasefire between the Indian army and the ULFA broke down amid reports that the guerrillas were reestablishing bases in southern Bhutan. India doubled troop levels along the border in October 2007 to prevent ULFA raids.

As part of a major constitutional overhaul led by the king, the posts of election commissioner, anticorruption commissioner, and auditor general were created in 2006,



and political parties were legalized in June 2007. Elections for an upper house of Parliament were held in two rounds, in December 2007 and January 2008.

Elections to the lower house, the National Assembly, took place in March 2008. With voter turnout at about 80 percent, the Bhutan Peace and Prosperity Party (DPT) won 45 of the 47 seats. The People's Democratic Party (PDP) won the remaining seats, but its candidates resigned shortly thereafter, accusing the DPT of fraud and vote buying. However, the High Court dismissed those claims for lack of evidence, and the PDP members returned to the assembly in April. The elections were peaceful, and European Union (EU) observers judged them a "successful and orderly change of political system."

After a three-year drafting process, the new constitution was officially promulgated in July 2008. It provides for some fundamental rights, but it upholds the primacy of the monarchy, and analysts noted that it does not adequately define and protect the rights of Nepali speakers.

Jigme Khesar Namgyel Wangchuck formally succeeded his father as king in November 2008, although he had been in power since the outgoing king's abdication in December 2006. The monarchy remains highly popular with the public, and many Bhutanese have expressed reservations about the shift toward democracy.

**Political Rights and Civil Liberties:** Bhutan is not an electoral democracy, though the elections of 2008 represented a significant step toward that status.

The new constitution provides for a bicameral Parliament, with a 25-member upper house, the nonpartisan National Council, and a 47-member lower house, the National Assembly, both serving five-year terms. The king appoints 5 members of the National Council, and the remaining 20 are elected; the lower house is entirely elected, and the head of the majority party is nominated by the king as prime minister. The cabinet is nominated by the king and approved by the National Assembly. The king remains the head of state and appoints members of the Supreme Court, the attorney general, and the heads of national commissions.

An EU monitoring team reported that the March 2008 National Assembly elections "generally met international standards," although it noted problems in freedom of expression and association during the campaign.

Political parties, previously illegal, were allowed to begin registering in June 2007. Only two parties—the DPT and PDP, both of which have ties to the royal family—participated in the 2008 National Assembly elections. The parties do not differ significantly in policy goals. The constitution forbids parties based on sex, religion, language, or region, and a 2007 election law forbids individuals without bachelor's degrees from participating in government. In November 2007, the Election Commission denied registration for the Bhutan People's United Party, commenting that the party did not "have the capacity to fulfill ... national aspirations, visions and goals." Nine ethnic Nepali candidates were elected to office in 2008, although the EU monitoring report noted that a rule requiring candidates to obtain a security clearance certificate may have been an obstacle for some Nepalis.

The government operates with limited transparency and accountability, but steps have been taken in recent years to improve both. The Anti-Corruption Commission (ACC), created in 2006, is tasked with investigating reports of corruption and preventing graft through education and advocacy. The Anti-Corruption Act,

passed that year, also established protections for whistle-blowers. However, police and local officials routinely ask for bribes, and a 2008 ACC report found that 43 percent of Bhutanese believed corruption had worsened in the five previous years. The most corrupt areas of government are education, health, and agriculture, Bhutan was ranked 45 of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The authorities restrict freedom of expression, and a 1992 law prohibits criticism of the king and the political system. A 2006 media law overhaul led to the establishment of two independent radio stations, but it did not provide specific protections for journalists or guarantee freedom of information. Two independent weeklies, the *Bhutan Times* and the *Daily Observer*, were launched in 2006. Both papers, along with the state-owned *Kuensel*, generally publish progovernment articles but occasionally cover criticism of the government. Cable television services, which air uncensored foreign programming, thrive in some areas but are hampered by a high sales tax and regulatory obstacles. Although violence towards journalists is rare, in May 2008 members of the Bhutan News Service, a Bhutanese exile organization, were threatened with death for covering student protests. Shanti Ram Acharya, a journalist working for the *Bhutan Reporter*, a monthly paper published by refugees in Nepal, was still awaiting trial at the end of 2008. He was arrested while visiting Bhutan in 2007 for allegedly engaging in "subversive activities." The government claims that he was taking photographs of a Royal Bhutan Army outpost.

The constitution protects freedom of religion, and a 2007 election law bars any ordained religious figure or "religious personality" from voting or running for office. While Bhutanese of all faiths can worship relatively freely, the Drukpa Kagyupa school of Mahayana Buddhism is the official religion and reportedly receives various subsidies. A 9,287-member Monastic Body is the sole arbiter on religious matters, and monks also wield political influence. The religious services of the small Christian minority are reportedly often held out of sight to avoid harassment by the authorities. No restrictions on academic freedom have been reported, although Bhutan's first university opened only in 2003.

Freedoms of assembly and association are restricted. The constitution guarantees freedom of assembly, but a protest can be authorized only if the government approves its purpose. In recent years, security forces have arrested Southern Bhutanese refugees living in Nepal who crossed the border to demonstrate for the right to return home.

Nongovernmental organizations (NGOs) that work on human rights, the refugee issue, or other overtly political issues are not legally allowed to operate. The Civil Society Organization Act, passed in June 2007, requires all new NGOs to register with the government. The constitution guarantees freedom of association, but only for groups "not harmful to the peace and unity of the country." Several NGOs are currently operating, with the majority advocating for women's or environmental rights. The government prohibits independent trade unions and strikes, though some 85 percent of the workforce is engaged in subsistence agriculture. A 2007 labor and employment law prohibits forced labor, child labor, discrimination, and sexual harassment.

The 2007 Judicial Service Act created an independent Judicial Service Council to control judicial appointments and promotions. Courts are also now required to make decisions within a year, and citizens are guaranteed legal counsel in court cases.

Arbitrary arrest, detention, and torture remain areas of concern, and 43 political prisoners continue to serve lengthy sentences.

Prior to the mass expulsions of Nepali speakers in the early 1990s, the government had stripped thousands of Southern Bhutanese of their citizenship under a 1985 law that required both parents to be Bhutanese citizens. Individuals also had to prove that they or both of their parents were residing in Bhutan in 1958. While the Office of the UN High Commissioner for Refugees (UNHCR) asserts that the overwhelming majority of refugees have proof of Bhutanese nationality, the government maintains that many left voluntarily or had been illegal immigrants. The roughly 105,000 refugees live in extremely poor conditions in Nepal, and a 2008 fire in one camp left 10,000 homeless. Even if permitted to reenter Bhutan, ethnic Nepalis would face a difficult citizenship process and would not be compensated for lost property. The government has also sought to settle Bhutanese from the north in lands formerly occupied by the refugees. The UNHCR has increasingly called for a third-party solution, and in October 2006, the United States said it would accept up to 60,000 refugees. Resettlement began in 2008, and nearly 8,000 had made the trip by the end of the year. New Zealand has also accepted some refugees.

Conditions for Nepali speakers in Bhutan have improved somewhat, but several major problems remain. According to a 2007 Human Rights Watch report, ethnic Nepalis must obtain certificates verifying that they do not present a threat to the state in order to enter schools, receive health care, take government jobs, or travel within Bhutan or abroad. Schools in the south restrict even Nepali speakers with certificates.

Restrictions on dress and cultural practices were imposed in the late 1980s in an attempt to safeguard Bhutan's heritage. A 1989 royal decree requires all citizens, including ethnic minorities, to wear the traditional dress of the ruling Drukpas in public places. A 2004 decree instructed all women to adhere to the custom of wearing a scarf draped over two shoulders instead of one.

Women participate freely in social and economic life but continue to be underrepresented in government and politics, despite some recent gains. The application of religious or ethnically based customary laws regarding inheritance, marriage, and divorce sometimes results in discrimination against women. There are no reports that trafficking of women or children is a problem in Bhutan.

## Bolivia

Population: 10,000,000

Capital: La Paz (administrative), Sucre (judicial)

Political Rights: **3**

Civil Liberties: **3**

Status: Partly Free



Ten-Year Ratings Timeline For Year Under Review  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,3F	1,3F	1,3F	2,3F	3,3F	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

The controversy over a proposed new constitution dominated Bolivian politics for a second straight year in 2008, with violence between highly polarized progovernment and opposition groups peaking in September. In October, the two sides agreed to submit a draft constitution to a referendum in January 2009. Relations with the U.S. deteriorated significantly and entered a cycle of mutual accusations and retaliatory measures.

After achieving independence from Spain in 1825, the Republic of Bolivia endured recurrent instability and military rule. However, the armed forces, responsible for more than 180 coups in 157 years, have refrained from political intervention since 1982.

Gonzalo Sanchez de Lozada, a wealthy U.S.-educated businessman, was elected president in 1993. During his first term in office, he initiated a sweeping privatization program and stepped up eradication of the country's illegal coca production, measures that provoked widespread public protests and a decline in his popularity. Former dictator turned democrat Hugo Banzer Suarez succeeded Sanchez de Lozada following the 1997 presidential election and further militarized drug eradication, but the terminally ill Banzer resigned in 2001, and vice president Jorge Quiroga finished the remaining year of Banzer's term.

No candidate in the June 2002 presidential election won a majority of the popular vote, and under Bolivia's constitution, members of the National Congress were tasked with deciding the outcome. They selected Sanchez de Lozada, who had received a small plurality of votes, over Evo Morales, a confrontational indigenous leader of the country's coca growers. Morales had gained prominence by capitalizing on the unpopularity of U.S.-sponsored antidrug efforts among Bolivia's majority indigenous population, many of whom speak Spanish as a second language and use the coca leaf for traditional cultural and medical purposes.

In 2003, Bolivian indigenous groups, workers, students, and coca growers rebelled against the planned construction of a \$5 billion pipeline for the export of Bolivian natural gas via longtime rival Chile to the United States and Mexico. The mass protests against Sanchez de Lozada were aggravated by resentment over the failure of

nearly two decades of democratic reform and economic restructuring to improve the lot of the indigenous majority in a country where over 60 percent of the population lived in poverty. Sanchez de Lozada ordered harsh repression of the protests, leading to demands for his resignation. In October, after at least 120 deaths stemming from the crackdown, Sanchez de Lozada resigned and fled to the United States.

Vice President Carlos Mesa, a nonpartisan former media personality and historian, assumed the presidency. In July 2004, he prevailed overwhelmingly in a national referendum regarding the disposition of oil and gas reserves, permitting natural gas exports while imposing greater state control over the energy industry. However, protests over gas revenues, regional autonomy, and other issues continued to mount, and Mesa resigned in June 2005.

Supreme Court Chief Justice Eduardo Rodriguez Veltze temporarily assumed the presidency to oversee new elections, which were held in December 2005. Evo Morales won the presidential poll with 53.7 percent of the ballots amid high voter turnout. His platform included anticorruption efforts and fulfillment of the long-standing call for a Constituent Assembly that would draft a new constitution. The United States and some other international observers expressed concern over his triumph because of his alignment with leftist Venezuelan president Hugo Chavez. Morales's Movement toward Socialism (MAS) also emerged as the largest party in Congress and won three of nine races for departmental prefect (provincial governor); the latter posts were being filled through direct elections for the first time.

The Morales government moved to fulfill a campaign pledge in May 2006 by announcing the "nationalization" (in reality, merely increased state control) of Bolivia's oil and gas resources. The government also introduced a land-reform plan that was opposed by the owners of large estates in the eastern lowlands. In July 2006, voters handed the MAS a majority in the Constituent Assembly, but it lacked the two-thirds supermajority required to approve a new constitution on its own. In a concurrent vote on the question of regional autonomy, four departments supported greater autonomy, while five rejected the idea; the Constituent Assembly was tasked with resolving the issue.

In February 2007, the assembly reached compromise on a paralyzing disagreement over the size of the majority needed to adopt changes to individual articles, as opposed to granting final approval, but other disputes quickly arose, including questions about regional autonomy, indigenous rights, state structure, and the issue of whether La Paz or Sucre would be the capital. The resulting polarization increased regional and ethnic friction. Violence in Cochabamba in January 2007 caused three deaths and scores of injuries, and other confrontations throughout the year left dozens wounded.

The wrangling over the capital proved an insurmountable obstacle for the assembly, and after pro-Sucre protesters repeatedly blocked the body's attempts to meet, a rump composed largely of MAS delegates met on November 24 outside the city and approved a draft constitution without the support (or presence) of the opposition. Protesters in Sucre responded with two days of riots that left three people dead and several hundred injured. On December 9, a similar MAS-dominated group of delegates met in Oruro to approve the final draft, which called for autonomy at the departmental, regional, municipal, and indigenous levels. It also authorized the selection of high court judges by popular vote rather than by Congress. Since delegates could not agree on one article, regarding the maximum size of individual land-

holdings, the question was set to be submitted to a national referendum along with the draft charter.

The opposition characterized the entire process as illegal due to the progovernment group's decision to change the assembly voting rules, allowing final approval by two-thirds of those present rather than two-thirds of the total. The controversy continued for most of 2008. In February and August, the government tried to call a national vote on the draft, but on each occasion it was blocked by the National Electoral Court (CNE). The opposition-led departments conducted a series of referendums on separately drafted autonomy statutes in May and June. Autonomy supporters won easily in Santa Cruz, Beni, Pando, and Tarija, but the CNE ruled all four votes illegal.

In May, the opposition-led Senate tried to catch the government off-guard by approving a recall referendum on the president and all departmental prefects. However, Morales quickly accepted the challenge and mobilized his supporters. On August 10, over 67 percent of voters affirmed his mandate, while two prefects, from La Paz and Cochabamba, were forced from office.

After the recall referendum, conflict increased significantly, with roadblocks, marches, and strikes throughout the country, and the occupation of government facilities by opposition members in several departments. The violence peaked on September 11, when a confrontation between peasant supporters of Morales and followers of prefect Leopoldo Fernandez in Pando resulted in the deaths of at least 13 of the government supporters, gunned down, many of them as they fled. The central government declared a state of emergency in the department and arrested a number of suspects, including the prefect. The Union of South American Nations was brought in to investigate and eventually declared the events a "massacre."

Following the Pando incident, the government and opposition resumed dialogue on the constitution. On October 20, with government supporters surrounding the Congress, the two sides announced a compromise; a constitutional referendum was scheduled for January 25, 2009. The compromise draft maintained the majority of the original articles, but over 140 were altered. Notable changes included an easing of potentially restrictive media language, a higher bar for future constitutional amendments, expansion of the electoral commission, and the limitation of consecutive presidential terms to two.

Also during 2008, Bolivia's relations with the United States sharply deteriorated. In June, USAID's presence was reduced from working in the coca-growing Chapare region after Morales accused the agency of conspiring against him. In September, the U.S. ambassador was forced to leave the country after Morales complained that he had met inappropriately with opposition leaders. The United States decertified Bolivia as a cooperating partner in the "war on drugs" and halted the country's preferred commercial access to U.S. markets. Finally, in November, Bolivia officially suspended all U.S. Drug Enforcement Administration activities.

**Political Rights and Civil Liberties:** Bolivia is an electoral democracy. The 2005 presidential and congressional elections and the 2006 Constituent Assembly elections were generally free and fair, as was the 2008 presidential recall referendum; however, the opposition complained of a rapid increase in the voter rolls prior to the recall balloting. Presidential and congressional

terms are both five years. The National Congress consists of a 130-member Chamber of Deputies and a 27-member Senate, which would increase to 36 seats under the new charter. Under the existing system, senators and 60 deputies were elected by proportional representation, and 70 deputies were elected in individual districts. A similar system is called for in the draft constitution, and a certain number of seats will be reserved for indigenous representatives. During negotiations on the draft, Morales agreed to run for only one additional term as president, and a presidential runoff provision was included to replace Congress's role in deciding elections in which no candidate wins an outright majority.

Bolivians have the right to organize political parties. Many of the traditional parties saw their power effectively eliminated in the wake of the 2005 elections. The current dominant electoral vehicle is President Evo Morales's MAS, an alliance of social movements whose disputes Morales must mediate. The opposition had been led by the center-right Social Democratic Power (PODEMOS) party, but in 2008, it split over the negotiations on the draft constitution. After the 2005 elections, the base of opposition to the president shifted from Congress to the departmental prefects.

The European-descended elite controlled the government for most of Bolivia's postindependence history, but the indigenous majority has played an increasingly prominent role over the last decade. The Aymara and Quechua ethnic groups form the political base of the MAS, and the process of drafting the constitution reflected their influence.

Despite the government's anticorruption platform, graft and nepotism remain common, and the administration has yet to build successful institutional anticorruption mechanisms. A new anticorruption law was approved by the Chamber of Deputies in 2007 but subsequently stalled in the opposition-controlled Senate. Bolivia was ranked 102 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although the constitution guarantees freedom of expression, the media are subject to some limitations in practice. Most outlets are privately owned, and radio is by far the leading source of information. Many newspapers and television stations tend to feature opposition rather than progovernment opinion pieces. A general climate of hostility toward journalists has increased along with political tensions. Dozens of journalists were assaulted in 2008 while covering protests, and one journalist was killed during a local civic dispute. Morales refused to engage with certain press outlets, on occasion naming specific reporters as enemies. In general, government efforts to counteract aggression toward the media were insufficient. The government does not restrict access to the internet.

Freedom of religion is guaranteed by the constitution. Tensions between the Catholic Church and the government have risen considerably in recent years. The draft constitution ends the Church's official status and creates a secular state. The government does not restrict academic freedom, and the law grants public universities an autonomous status, which students defend vigorously.

Bolivian law provides for the rights of peaceful assembly and freedom of association, although social protests sometimes turn violent. In 2008, politicians on all sides continued to use the threat of protests to obtain political leverage. MAS supporters adopted the strategy of encircling Congress to put pressure on opposition members, who considered the tactic highly coercive. Both the human rights om-

budsman and independent human rights organizations are able to report on brutality by the security forces. In some cases, such as that of the 2008 deaths in Pando, security forces were accused of passivity in the face of violence; they responded by claiming that the rules of engagement were unclear. The right to form labor unions is guaranteed by the constitution, and unions are an active force in society.

The judiciary remains the weakest branch of government. It is corrupt, inefficient, and inaccessible to many Bolivians, especially non-Spanish speakers. Although the government has made efforts to improve the administration of justice, including making the courts more responsive to the needs of poor and rural citizens, lack of resources and political difficulties have limited progress. The system of selecting Supreme Court and Constitutional Tribunal (TC) justices broke down in 2007 and 2008, leading to a crisis at the judiciary's highest levels. In 2007, a fight between the administration and the TC over Supreme Court appointments led to the Chamber of Deputies filing charges against four TC members for dereliction of duty; by year's end, all but one of the tribunal's members had resigned, citing constant harassment by the executive branch. The TC remained inquorate throughout 2008, leading to a backlog of over 3,000 cases and creating a judicial vacuum during a period in which delicate legal issues frequently arose.

Prison conditions are harsh, and rehabilitation is essentially nonexistent. Although the criminal procedure code recognizes indigenous conflict-resolution traditions, judicial reform efforts to date have not effectively codified and incorporated indigenous customary law. This lack of clarity has in recent years resulted in dozens of acts of "communal justice," including lynching, in violation of international human rights norms. Several cases of multiple lynchings occurred in 2008, spurring debate over the government's response and the way indigenous justice would co-exist with ordinary law under the new constitution. Another controversy in 2008 was related to detentions following the Pando massacre, which appeared to violate basic rules on warrant approval, judicial access, jurisdiction, and other procedures. The government argued that given the volatile climate, speedy detentions were necessary.

Crime in La Paz and other major cities is increasing, though it remains at a lower level than in many South American countries. Coca cultivation, most of which is authorized, has risen in recent years, as have drug seizures and arrests. Morales' policy of greater cooperation with coca growers has resulted in a significant decline in rights violations. However, cocaine production appears to be on the increase, as does the transit of Peruvian narcotics through Bolivia to Brazil and Argentina, a development that contributed to a rise in violence along some routes in 2008.

The 1994 Popular Participation Law guarantees respect for the integrity of Bolivia's 36 native groups, and the languages of the indigenous population are officially recognized. However, racism is rife in the country, especially by opposition supporters against the highlands indigenous. In May 2008, a small group of indigenous government supporters was subjected to violence and humiliation by a larger crowd of antigovernment civic activists in Sucre. Indigenous territories remain vulnerable to illegal exploitation by coca growers and timber thieves. Some rural employers keep indigenous workers in debt peonage. Indigenous rights were a major theme of the Constituent Assembly process. The draft constitution officially recognizes the 36 indigenous nationalities, declares Bolivia a "plurinational" state, requires



that all public servants speak an indigenous language, and formalizes local political and judicial control within indigenous territories. However, some indigenous groups felt that their goals were weakened in the final compromise agreement.

The law provides for freedom of movement within the country, and the government generally respects this right in practice, although there have been clashes between landowners in the lowlands and migrants from the highlands. In addition, protesters often block highways and city streets, causing serious economic losses. Property rights are another subject of controversy in Bolivia. Foreign investors have grown wary in the wake of the government's aggressive renegotiation of contract terms in the energy, mining, and telecommunications industries. Sporadic land invasions by landless peasants continue to occur in the eastern lowlands. In December 2006, the government passed a law that allows for the redistribution of land deemed idle or with unclear ownership, and the government began to allocate land titles in 2007. Eastern landowners fear that the law will be used to confiscate their holdings, while the law's supporters believe that many of those lands were acquired illegally. A standoff between government surveyors and powerful landowners lasted through much of 2008 in the Alto Parapeti region and turned violent on several occasions.

Although women's political representation has increased notably in recent years, the observance of women's rights remains problematic. Violence against women is pervasive, women generally do not enjoy social status equal to that of men, and the justice system is ineffective at safeguarding women's legal rights. Child prostitution and child labor are problems, particularly in urban areas and in the Chaco and Chapare regions.

## Bosnia and Herzegovina

**Population:** 3,800,000

**Capital:** Sarajevo

**Political Rights:** 4

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	5,4PF	5,4PF	4,4PF	4,4PF	4,3PF	4,3PF	3,3PF	4,3PF	4,3PF

### Overview:

Political tensions in Bosnia and Herzegovina (BiH) continued to rise in 2008, prompted in part by Kosovo's declaration of independence from Serbia and disagreements among the leadership of BiH's three main ethnic groups over the country's territorial and administrative structure. After a limited police reform was enacted, the European Union signed a Stabilization and Association Agreement with BiH in June. In July, former Bosnian Serb leader Radovan Karadzic, who had been in hid-

**ing for over a decade, was arrested in Serbia and transferred to The Hague to face war-crimes charges. Nationalist parties dominated local elections held in October.**

Formerly a constituent republic within socialist Yugoslavia, Bosnia and Herzegovina (BiH) is among the most ethnically diverse countries in the region. The bulk of the population consists of three ethnic groups: Bosniaks, who are mainly Muslim; Serbs, who are Orthodox Christian; and Croats, who strongly identify with the Roman Catholic Church. As Yugoslavia began to disintegrate in the early 1990s, BiH was recognized as an independent state in April 1992. A 43-month-long civil war immediately ensued, resulting in the deaths of tens of thousands of people and the forced resettlement of approximately half of BiH's population.

In November 1995, the Dayton Peace Accords brought an end to the civil war by creating a loosely knit state composed of the Bosniak-Croat "Federation of Bosnia and Herzegovina" (the Federation) and the largely Serb "Republika Srpska." The final status of the Brcko district was decided in 1999 by a special arbitration council, which defined it as a self-governing administrative unit that is formally part of both the Federation and Republika Srpska. The highly decentralized and complicated political structure established by the Dayton treaty allowed the former belligerents to halt the war and share power, but it also created a weak state that was unable to effectively implement major reforms.

The Dayton Accords gave the international community a decisive role in running postwar BiH, manifested in the significant powers and authority (known as the Bonn powers) granted to international civilian agencies such as the Office of the High Representative. Despite years of considerable efforts by the international community to aid the country's integration, most aspects of political, social, and economic life remained divided along ethnic lines. The October 2006 elections shifted power to arguably more moderate parties, but they took strong nationalist stances in order to appeal to their respective ethnic constituencies. The Alliance of Independent Social Democrats (SNSD) emerged as the winner in Republika Srpska, and the Party for BiH (SzBiH) won the most votes in the Federation. The Croat Democratic Union (HDZ) remained the most popular party among Bosnian Croats.

Following a series of negotiations and under considerable pressure from the international community, the new coalition government—led by Nikola Spiric of the SNSD—was formed in February 2007. The coalition, however, has proved to be highly unstable, particularly due to a thorny working relationship between SNSD leader Milorad Dodik and SzBiH leader Haris Silajdzic. Dodik is determined to preserve the current administrative status of Republika Srpska, while Silajdzic seeks to strip the constituent entities of their powers and create a unitary BiH. Meanwhile, most Croat officials advocate further decentralization and the creation of a third entity for Croat-majority areas.

In October 2007, High Representative Miroslav Lajcak triggered a confrontation with the Serb leadership when he changed the BiH cabinet's quorum rules to end a practice in which dissenting ministers would block reforms by boycotting cabinet meetings. He also warned that similar changes would be imposed on the parliament if it did not adopt such reforms itself by December 1. Although Spiric resigned in protest and demonstrations sprouted across Republika Srpska, the cri-

sis ended abruptly on November 30 after the parliament agreed to the proposed rules, with some concessions to Serb leaders. The European Union (EU) quickly initialed a Stabilization and Association Agreement (SAA) with BiH, seen as a key step toward EU membership, and Spiric returned to the premiership in late December.

Kosovo's declaration of independence from Serbia in February 2008 prompted renewed protests in Republika Srpska, and the entity's parliament adopted a resolution stipulating that its authorities could call for a referendum on secession from BiH. The EU moved to quiet the furor by raising the possibility of a finalized SAA by April. The BiH parliament duly passed two laws aimed at reforming the police in April, partially fulfilling one of the main preconditions for the EU pact. The new measures, secured in an agreement between the SzBiH and the SNSD, created central institutions for training, coordination, and forensic work, but they did not provide for a unified national police force or interior ministry and were perceived by many as cosmetic. Nonetheless, they were welcomed by EU authorities as a positive step, and the EU and BiH completed the SAA signature process on June 16.

After 12 years as a fugitive, Bosnian Serb wartime leader Radovan Karadzic was arrested in Belgrade in July and subsequently transferred to the International Criminal Tribunal for the former Yugoslavia in The Hague, the Netherlands. His arrest was welcomed by authorities in the Federation and civil society leaders throughout the country, but it provoked protests by Serb ultranationalists who saw Karadzic as a hero. He was accused of devising a systematic campaign of ethnic cleansing and overseeing both the siege of Sarajevo and the 1995 massacre of nearly 8,000 boys and men in Srebrenica.

The political temperature in BiH continued to rise in advance of the October local elections. Parties devoted very little time to tangible policy issues, such as unemployment and education, and focused their campaigning on the themes of "national interest," including constitutional reform, to cater to nationalist sentiments. The results of the elections marked a comeback for the mainly Bosniak Party of Democratic Action (SDA), led by Sulejman Tihic, at the expense of Silajdzic's SzBiH. The SNSD made notable gains in mayoral races in Republika Sprska, and the HDZ remained the leading party among the Croats.

In November, the SDA, SNSD, and the HDZ reached an initial agreement on the approach to constitutional and other reforms, although no concrete measures were undertaken by year's end.

### **Political Rights**

#### **and Civil Liberties:**

The Republic of Bosnia and Herzegovina (BiH) is an electoral democracy. In general, voters can freely elect their representatives, although the Office of the High Representative has the authority to remove elected officials if they are deemed to be obstructing the peace process. The government is led by a prime minister, and the role of head of state is performed by a three-member presidency composed of one Bosniak, one Serb, and one Croat. The Parliamentary Assembly is a bicameral body. The 15-seat upper house, the House of Peoples, consists of five members from each of the three main ethnic groups, elected by the Federation and Republika Srpska legislatures for four-year terms. The lower house, the House of Representatives, has 42 popularly elected members serving four-year terms, with 28 seats assigned to the

Federation and 14 to Republika Srpska. The most important parties include the SNSD, the SDA, the SzBiH, the Serb Democratic Party (SDS), and the HDZ.

Corruption in BiH remains a serious problem. Political parties, the police, the health care system, the customs service, and the governments of the two entities are thought to be the most corrupt institutions in the country. In recent years, under pressure from the international community, the BiH government has taken limited steps to combat corruption by passing relevant legislation. However, the implementation of these laws has been weak, due in part to the lack of strong and independent anticorruption agencies. In 2008, the BiH chapter of Transparency International (TI) accused the government of Republika Srpska of irregularities in several privatization deals and of misusing entity funds in the construction of the Banja Luka-Gradiska highway and the newly completed government building. In a series of media statements and interviews that followed, Republika Srpska premier Milorad Dodik harshly repudiated these allegations and accused TI of corruption within its own ranks, including racketeering and extortion. The episode, which prompted TI to temporarily close its Banja Luka office in July, was widely seen as an example of government intimidation and political pressure on civil society organizations working to combat corruption. BiH was ranked 92 out of 180 countries surveyed in TI's 2008 Corruption Perceptions Index.

The constitution and the human rights annex to the Dayton Peace Accords provide for freedom of the press, although this right is not always respected in practice. A large number of independent broadcast and print media outlets operate in BiH. However, they continue to be plagued by a relatively low level of professionalism and a tendency to appeal only to narrow ethnic audiences. State-owned companies sometimes withhold advertising from media outlets that print or broadcast information that is critical of the government. Journalists who criticize the government or publish politically sensitive material at times face public denunciations and threatening telephone calls from government officials. Self-censorship, political pressure on the media, and attacks against journalists increased in 2008. In April, an SzBiH member of the state parliament physically attacked a crew of FTV, the Federation's public broadcaster, to prevent them from attending a party press conference. In December, two hand grenades were hurled at the headquarters of the private television station Hayat in Sarajevo. Internet access in the country is open and unrestricted.

Citizens enjoy full freedom of religious belief and practice, but only in areas where their particular group represents a majority. A 2004 Law on Religious Freedom grants churches and religious communities legal status akin to that enjoyed by nongovernmental organizations (NGOs). Acts of vandalism against holy sites associated with all three major faiths—Islam, Orthodox Christianity, and Roman Catholicism—continue to occur. Religious symbols are often exploited for political purposes.

While the various governments in BiH do not restrict academic freedom at institutions of higher education, academic appointments are subject to ethnic favoritism and politicization. Primary and secondary school curriculums are heavily politicized. Sensitive subjects include history, geography, and language; depending on their ethnicity, children use textbooks printed in Croatia, Serbia, or Sarajevo. In parts of the region of Herzegovina, students are divided by ethnicity, with separate classrooms, entrances, textbooks, and time shifts. Local politicians sought this "two schools under one roof" policy to prevent cultural assimilation.

The constitution provides for freedoms of assembly and association, and the various levels of government generally respect these rights in practice, though the experience of TI in 2008 raised concerns about political hostility toward NGOs. Although there are no legal restrictions on the right of workers to form and join labor unions, discrimination against union members persists.

Despite evidence of growing independence, the judiciary in BiH remains influenced by nationalist political parties and faces pressure from the executive branch. In September 2008, the government of Republika Srpska instructed its ministries not to provide cooperation and assistance to state-level law enforcement agencies investigating allegations of corruption involving the entity's building contracts. In December, Dodik criticized the work of Bosniak judges, claiming that they conspired against Republika Srpska for ethnic reasons. Both of these developments prompted an outcry from the international community. The country has made some efforts to reduce its case backlog, but the total number of pending court cases currently exceeds two million, with the majority involving unpaid utility bills.

Ethnic nationalism is widespread and presents a major obstacle to the country's integration. Individuals face discrimination in terms of employment, housing, and social services in regions that are not dominated by their own ethnic group. In 2004, the Office of the UN High Commissioner for Refugees announced that a million refugees and displaced persons had returned since the end of the war, roughly half the total number driven from their homes during the fighting. The vast majority of property-restitution cases left over from the war have now been resolved. Despite these relative successes, however, many people are returning to their prewar homes only to sell their property and move back to areas where they belong to the local ethnic majority. Consequently, BiH is now divided into largely homogeneous Bosniak, Croat, and Serb areas. When returnees decide to stay in areas where their group constitutes a minority, they are often subject to discrimination and threats. The Brcko district is an exceptional case in its ability to achieve a relatively high level of ethnic integration in the postwar setting.

Openly gay and lesbian individuals face discrimination and harassment. In advance of the country's first gay festival in Sarajevo in September 2008, the organizers faced harsh criticism by local religious, community, and political leaders. In particular, Islamic religious authorities were angered that the festival had been scheduled during the Muslim holy month of Ramadan. On the festival's opening night, a mob attacked the participants, causing injuries to at least eight individuals, including two journalists and one police officer. Although the festival was prematurely cancelled due to security issues, the organizers continued to receive threats in the following weeks.

Women are legally entitled to full equality with men. However, they are underrepresented in politics and government and face discrimination in the workplace. The issue of sexual harassment is poorly understood, and improper behavior frequently goes unpunished. To compensate for the absence of women in public life, political parties are legally required to include three women among the top ten names on their lists of candidates. At the end of 2006, women captured 14 percent of the seats in the BiH House of Representatives and 23 percent of seats in the Republika Srpska National Assembly. Domestic violence is a problem, and the police are still largely unresponsive to violent domestic disputes, particularly in rural areas.

A Bosnian criminal code that went into effect in March 2003 criminalized trafficking in human beings and increased penalties for related offenses. However, BiH remains a country of origin for domestic trafficking for the purpose of prostitution and, to a lesser extent, a transit country for trafficking to other parts of Europe. Over the last two years, the government has strengthened its law enforcement efforts and worked with local NGOs to raise awareness about the issue.

## Botswana

**Population:** 1,800,000

**Capital:** Gaborone

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

In April 2008, Vice President Seretse Khama Ian Khama assumed the presidency after the incumbent, Festus Mogae, resigned. Khama appointed former foreign minister Mompoti Merafhe as vice president. Meanwhile, the government stirred controversy in April by refusing to allow members of the San ethnic group to access land in the Central Kgalagadi Game Reserve. The government also passed a controversial Media Practitioners Bill in December, which established a media regulatory body and mandated the registration of all media workers, despite earlier criticism from the opposition and press freedom advocates.

Elected governments, all led by the Botswana Democratic Party (BDP), have ruled the country since it gained independence from Britain in 1966. Vice President Festus Mogae, a former central bank chief, rose to the presidency when longtime president Ketumile Masire retired in 1998, and he was confirmed as the country's leader in 1999. The BDP won by a wide margin in legislative elections that year. Polling was deemed free and fair, although the BDP enjoyed preferential access to state-run media.

The BDP took 44 of the 57 contested seats in the 2004 legislative elections, securing a second presidential term for Mogae. The main opposition party, the Botswana National Front (BNF), won 12 seats, while the Botswana Congress Party (BCP) won a single seat. International observers declared the polling free and fair but recommended giving the opposition equal access to state-run media and setting the date for elections well in advance.

In April 2008, Mogae—like Masire before him—retired before the end of his

term, leaving Vice President Seretse Khama Ian Khama to assume the presidency. Khama, the son of independence leader and first Botswanan president Seretse Khama, had been appointed vice president by Mogae in 1998, and was elected chairman of the BDP in 2003. Khama quickly shuffled the cabinet and appointed former foreign minister Mompoti Merafhe as vice president. Critics have accused the BDP of subverting democratic institutions through this "automatic succession" process; Khama was set to be confirmed for a full term by the BDP-dominated parliament after legislative elections in 2009.

Also in April, the government stirred controversy by refusing to allow members of the San ethnic group to access a water borehole in the Central Kgalagadi Game Reserve (CKGR). In 2002, a suit brought by 243 San had challenged a 1997 government decision to evict them from their lands in the CKGR and relocate them to nearby settlements. A three-judge panel of the High Court in Lobatse ruled in favor of the San in 2006, ordering the government to allow them to return. Despite initially being denied access, several hundred San have since returned to the CKGR, although disagreement remains as to how many will be allowed to live in the reserve.

More than 37 percent of Botswana's population is infected with HIV, and the UN Children's Fund estimates that AIDS has created more than 120,000 orphans in the country. In response, the government has offered free antiretroviral drugs and introduced routine HIV testing in all public-health facilities. The latter policy has raised concerns that Botswana are not adequately informed before being tested and that their privacy rights are open to abuse.

Economic progress in Botswana has been built on sound fiscal management and low rates of corruption, and privatization is progressing slowly. Efforts are under way to diversify the economy, which relies on the diamond and cattle industries. Nevertheless, the unemployment rate is an estimated 40 percent.

### **Political Rights and Civil Liberties:**

Botswana is an electoral democracy. The 63-seat National Assembly, elected for five years, chooses the president to serve a concurrent five-year term; despite being elected indirectly, the president holds significant power. Of the Assembly's 63 members, 57 are directly elected, 4 are nominated by the president and approved by the Assembly, and 2—the president and the attorney general—are ex-officio members.

The 15-member House of Chiefs, which serves primarily as an advisory body, represents the country's eight major Setswana-speaking tribes and some smaller ones. Groups other than the eight major tribes tend to be left out of the political process; under the Territories Act, land in ethnic territory is distributed under the jurisdiction of majority groups. Due in part to their lack of representation in the House of Chiefs, minority groups are subject to patriarchal Tswana customary law despite having their own traditional rules for inheritance, marriage, and succession.

The BDP has dominated politics in Botswana since independence. Neither its majority in the National Assembly nor its control of the presidency has ever faced a serious challenge. Opposition parties, namely the BCP and the BNF, have accused the government of effectively institutionalizing the BDP's dominant status. Nevertheless, the Independent Election Commission, created in 1996, has helped consolidate Botswana's reputation for fairness in voting.

After a series of corruption scandals involving BDP leaders, the government in

1994 set up an anticorruption body with special powers of investigation, arrest, and search and seizure; the resulting conviction rate has been more than 80 percent. Botswana was ranked 36 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index and has had the best rank among African countries for several years running.

A free and vigorous press thrives in cities and towns, and political debate is open and lively. Several independent newspapers and magazines are published in the capital. However, the government dominates the broadcast media, which reach far more residents than the print media, and provides inadequate access to the opposition and government critics. In October 2008, the Media Institute of Southern Africa (MISA) warned that the government had directed state-owned media to report positively on a campaign against alcohol abuse. The government sometimes censors or otherwise restricts news sources or stories that it finds undesirable.

The private Gaborone Broadcasting Corporation television system and two private radio stations have limited reach, although Botswana easily receives broadcasts from neighboring South Africa. In July 2008, the government announced a new Media Practitioners Bill, which would set up a media regulatory body and mandate the registration of all media workers. The measure was withdrawn in August after the opposition and press freedom advocates objected, but the government reintroduced it in November and passed it the following month without holding promised consultations with the bill's detractors. The government does not restrict internet access, though such access is almost absent outside cities. Botswana does not have a freedom of information law, and critics accuse the government of excessive secrecy.

Freedom of religion is guaranteed, but all religious organizations must register with the government.

Academic freedom is generally respected. However, in 2005 President Festus Mogae employed the National Security Act of 1986 to deport Australian-born academic Kenneth Good after he criticized the institution of "automatic succession" and said the government was run by a small elite and manipulated state media.

The government generally respects the freedoms of assembly and association, which are guaranteed by the constitution. Nongovernmental organizations (NGOs), including human rights groups, operate openly without harassment. However, the government has barred San rights organizations, including the First People of the Kalahari group, from entering the CKGR, and demonstrations at the reserve have been forcibly dispersed. While independent labor unions are permitted, workers' rights to strike and bargain collectively are restricted.

The courts are generally considered to be fair and free of direct political interference, although the legal system is affected by staffing shortages and a large backlog of cases. Trials are usually public, and those accused of the most serious violent crimes are provided with attorneys. Civil cases, however, are sometimes tried in customary courts, where defendants have no legal counsel. Trials held under the National Security Act may be conducted in secret.

Authorities have been reported to occasionally use beatings and other forms of abuse to obtain evidence and elicit confessions. Botswana has been criticized by rights groups for continuing to use corporal and capital punishment. In 2007, the government passed an Intelligence and Security Services Bill that created a Directorate of Intelligence and Security in the office of the president. Civil society orga-



nizations and opposition politicians strongly criticized the bill, saying it vested too much power in the director of the new agency—by allowing him to authorize arrests without warrants, for instance—and lacked appropriate mechanisms for parliamentary oversight. Prisons are overcrowded and suffer from poor health conditions, but the government has been making moves to address the problem by building new facilities and providing prisoners with access to HIV testing.

Discrimination against ethnic minorities is a problem. Since 1985, authorities have relocated about 5,000 San to settlements outside the CKGR. Almost all of those remaining, 530 people, left in 2002 when the government cut off water, food, health, and social services. The government insists that the San have been adequately compensated in money and cattle and are provided with decent education and health facilities in the new settlements, and it rejects assertions by critics that it simply wanted unrestricted access to diamond reserves in the region. The San tend to be marginalized in education and employment opportunities.

Illegal immigrants from Zimbabwe face increasing xenophobia and are accused, sometimes legitimately, of criminal activity. These immigrants are subject to exploitation in the labor market. Botswana is building an electric fence along its border with Zimbabwe, ostensibly to control foot-and-mouth disease among livestock, but the barrier is popularly supported as a means of halting illegal immigration; thousands of Zimbabweans have been deported in recent years. Botswana features a vibrant market economy and was ranked highest among African countries in the Heritage Foundation's 2008 Index of Economic Freedom.

Women enjoy the same rights as men under the constitution, but customary laws limit their property rights. Women married under traditional laws are deemed legal minors. However, the 2004 Abolition of Marital Powers Act established equal control of marriage estates and equal custody of children, removed restrictive domicile rules, and set the minimum marriage age at 18. A 2007 report by Physicians for Human Rights stated that women's disempowerment perpetuated the HIV/AIDS pandemic in Botswana. Domestic violence is rampant, and trafficking in women and children for the purposes of prostitution and labor is a problem. The law prohibits homosexuality.

## Brazil

Population: 195,100,000

Capital: Brasilia

Political Rights: 2

Civil Liberties: 2

Status: Free



Ten-Year Ratings Timeline For Year Under Review  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	3,3PF	3,3PF	2,3F	2,3F	2,3F	2,2F	2,2F	2,2F	2,2F

### Overview:

President Luiz Inacio "Lula" da Silva remained extraordinarily popular in 2008 with approval ratings of 78 percent. He owed his political strength primarily to the economic growth experienced by Brazil since he took office in 2003, which has resulted in an unprecedented increase in the middle class. Municipal elections held in October 2008 left da Silva's Workers' Party (PT) in a somewhat better position ahead of the 2009 presidential race, as it achieved gains over the center-right opposition parties. However, the PT lost its bid for the mayoralty of Sao Paulo, providing a boost for the opposition. The presidential field remained wide open, as da Silva himself was constitutionally banned from running for a third term.

After gaining independence from Portugal in 1822, Brazil retained a monarchical system until a republic was established in 1889. Democratic governance was interrupted by long periods of authoritarian rule, especially under the military regime that was in control from 1964 to 1985, after which elected civilian rule was restored. Democracy in Brazil then gradually took root, with peaceful transitions between democratically elected administrations. However, civilian rule has been marred by frequent corruption scandals. One scandal eventually led Congress in 1992 to impeach President Fernando Collor de Mello, who had been elected in 1989.

In early 1994, Fernando Henrique Cardoso—a market-oriented, centrist finance minister in the interim government that followed Collor de Mello's resignation—forged a three-party, center-right coalition around his Brazilian Social Democracy Party (PSDB). Cardoso won the presidency in October of that year, and in 1995, he initiated the highly successful *real plan*—a currency-stabilization program that included fiscal reform, privatization of state enterprises, and a new currency pegged to the U.S. dollar. He also ushered in a new era of dialogue with international human rights and good-governance groups. His popular tenure in office allowed him to secure a constitutional amendment permitting presidential reelection. In 1998, Cardoso handily won a second term in a rematch against his 1994 opponent, former labor leader and political prisoner Luiz Inacio "Lula" da Silva, of the left-leaning Workers' Party (PT).

Da Silva ran for president for the fourth time in 2002, attacking the effects of globalization on the poor and Brazil's high levels of foreign debt and unemploy-

ment. He received more votes than any presidential candidate in Brazilian history, beating Jose Serra, a center-left former PSDB health minister. Amid high expectations as Brazil's first leftist leader, da Silva began his presidential term in January 2003 by promising orthodox economic policies and meaningful social programs. He was able to maintain a stable economy while also preserving cordial relations with the United States, and quickly established himself as one of the world's foremost voices for developing nations. In March 2005, in a move that signaled Brazil's economic recovery, the government announced that it did not need to renew a standby credit agreement with the International Monetary Fund (IMF). Da Silva maintained his campaign commitment to social welfare, initiating "Bolsa Familia," a cash-transfer program that benefited approximately one-fourth of the population, as well as "ProUni," a fund providing scholarships for private colleges to low-income students. Da Silva also continued Brazil's internationally recognized public-health campaign; over the previous decade, it had stabilized the country's HIV/AIDS epidemic, which affected an estimated 600,000 residents.

Da Silva was reelected with a comfortable margin in the October 2006 presidential runoff, principally as a result of his popularity among working-class voters. In spite of the fact that the legislature was widely seen as the most corrupt in the country's history, the PT did not suffer electoral losses in Congress.

In August 2007, the government released a 500-page report that outlined the fate of political dissidents who were "disappeared" by the military between 1961 and 1988. The report was the result of an 11-year investigation led by the Commission on Political Deaths and Disappearances. Because Brazil, thanks to a 1979 amnesty law, had never tried those responsible for these atrocities, the report was viewed as a step toward political reconciliation.

A series of major government corruption scandals that began in 2004 continued through 2008. The highlights of the past several years included the *mensalao* (monthly stipend) vote-buying scandal and the "bloodsucker" affair, which involved government officials selling overpriced ambulances to municipalities. A May 2007 undercover operation, codenamed Operation Razor, resulted in the arrest of 46 individuals for accepting kickbacks for public-works contracts. Those arrested included several members of Congress as well as a former governor. Yet another scandal involved kickbacks to the president of the Senate, Renan Calheiros of the centrist Party of the Brazilian Democratic Movement (PMDB), which forced him to resign his post. The principal scandal of 2008 involved the arrest of a well-known businessman, Daniel Dantas, on charges of corruption, tax evasion, and money laundering. The arrest and complex nature of the charges created a rift between the Supreme Court and the executive. This problem was exacerbated by the discovery in September 2008 that members of Brazil's intelligence agency had illegally spied on Supreme Court justices, members of Congress, and a presidential adviser.

The da Silva administration attempted to push through several long-needed reforms during the year. A tax reform bill was sent to Congress in February 2008, and a preliminary political reform bill aiming to regulate campaign financing and increase party loyalty was introduced in August. However, both measures stalled due to the run-up to October municipal elections. Tax reform was scheduled to be considered again in the lower house of Congress in early 2009.

The second round of the local voting was held on October 26, and the ruling

coalition won nearly two-thirds of the mayoral races, a 36 percent increase from the 2004 municipal elections. However, in spite of da Silva's explicit backing, the PT's candidate for mayor of Sao Paulo, Marta Suplicy, lost to incumbent Gilberto Kassab of the conservative Democratic Party. As mayors are traditionally important vote gatherers for presidential elections, Kassab's victory represented an important loss for the PT.

Under da Silva's presidency, Brazil has become a major regional power and a respected international actor. Within the region, it serves as a moderate leftist alternative to Venezuelan radicalism; on the global level, it is a leader in the Group of 20 and a serious candidate for permanent membership in the UN Security Council should that body be reformed. Finally, its roles as the world's most efficient producer of ethanol and as steward of the Amazonian rain forest make it a significant player on the issue of climate change.

### **Political Rights and Civil Liberties:**

Brazil is an electoral democracy. The 2006 national elections and the October 2008 municipal elections were free and fair.

The current constitution, which took effect in 1985 and was heavily amended in 1988, provides for a president, to be elected for four years, and a bicameral National Congress. The Senate's 81 members serve eight-year terms, with a portion coming up for election every four years, and the 513-member Chamber of Deputies is elected for four years. A constitutional amendment adopted in 1997 permits presidents to seek a second term, which supporters said would enhance accountability.

In the wake of the 2006 elections, the four largest Brazilian political parties, comprising 70 percent of the seats in the Chamber of Deputies and over half of the Senate seats, were the centrist PMDB, the leftist PT, the conservative Democratic Party (the former Liberal Front Party, or PFL, which changed its name in March 2007), and the center-left PSDB. Fourteen other parties are also represented in Congress.

Despite a constitutional right of access to public information, the country does not have specific laws to regulate and guarantee transparency. Corruption is a serious and seemingly growing problem in Brazil, which was ranked 80 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. The task of combating pervasive corruption is complicated by weak party loyalty and legal loopholes that allow those who resign from any public office to later seek reelection. However, in November 2007, the Supreme Court upheld a ruling by the Tribunal Superior Eleitoral (TSE) that outlawed postelection party switching—a major step toward eliminating this decades-old problem.

The constitution guarantees freedom of expression. The press is privately owned, but foreigners can acquire only a 30 percent stake in a media company and are restricted in their ability to influence editorial decisions and management selection. There are dozens of daily newspapers and numerous other publications throughout the country. The print media have played a central role in exposing official corruption. At the same time, reporters—especially those who focus on organized crime, corruption, or impunity issues—are frequently the targets of threats and occasionally even killings. The government does not impose restrictions on the use of the internet.

The constitution guarantees freedom of religion, and the government generally respects this right in practice. The government does not restrict academic freedom.

The freedoms of association and assembly are generally respected, as is the right to strike. Industrial labor unions are well organized. Although they are politically connected, unions in Brazil tend to be freer from political party control than those in most other Latin American countries. Labor-related issues are adjudicated in a system of special labor courts. Intimidation of rural union leaders continues to be a problem.

The country's largely independent but weak judiciary is overburdened, plagued by chronic corruption, and virtually powerless in the face of organized crime. Because the judiciary uses its independence above all to resist change, there has been less progress in judicial reform in Brazil than in any other large country in the region. In addition, judges regularly employ legal formalisms to overturn government modernization efforts, including those aimed at privatizing state-owned industries and reforming the ineffective public-welfare system.

Brazil has one of the highest homicide rates in the world and the world's highest death rate by firearms. Most violent crime in the country is directly or indirectly related to the illegal drug trade. The highly organized and armed drug gangs frequently fight against the military police, as well as private militias comprised of off-duty police officers, prison guards, and firefighters. These militias have instituted their own form of extortion, charging citizens a mandatory tax for ousting drug traffickers from their areas and intimidating human rights activists. While the militias still control and terrorize countless *favelas*, or shantytowns, a crackdown in the summer of 2008 led to the arrest of several important militia leaders.

Brazil's police are among the world's most violent and corrupt, and the violence has only increased in recent years. According to official estimates, police in Rio de Janeiro state killed 694 people in the first half of 2007, one-third more than the same period in 2006. Torture is used systematically to extract confessions from suspects, and extrajudicial killings are portrayed as shootouts with dangerous criminals. An investigation by an independent committee found overwhelming evidence that many of the killings reported from a May 2006 crime wave in Sao Paulo were in fact summary executions by the police. In the rare instances when police officers are indicted for such abuses, convictions are not obtained; typically the charges are dismissed for "lack of evidence." The situation is complicated by the fact that this "no prisoner" approach by the police often enjoys considerable support by favela dwellers, the principal victims of gang violence. The National Committee for the Prevention and Control of Torture, which was created in June 2006, is tasked with designing mechanisms to minimize torture and inspecting detention centers.

The prison system remains anarchic, overcrowded, and largely unfit for human habitation. Human rights groups charge that torture and other inhumane treatment common to most of the country's detention centers turn petty thieves into hardened criminals. According to official estimates, Brazil's prisons hold approximately 420,000 inmates despite a design capacity of only 220,000. A commission charged with investigating problems with the country's prisons was established in August 2007 after 25 inmates died during a riot in a Minas Gerais prison.

Racial discrimination, long officially denied as a problem in Brazil, began to receive both recognition and remediation from President Luiz Inacio "Lula" da Silva during his first term. Blacks earn less than 50 percent of the average earnings of other citizens, and they suffer from the highest homicide, poverty, and illiteracy rates.

In a precedent-setting series of actions, da Silva upon taking office named four Afro-Brazilians to his cabinet, appointed the country's first Afro-Brazilian Supreme Court justice, and pressed for the adoption of a Racial Equality Statute to redeem his pledge that Afro-Brazilians would make up at least one-third of federal employees within five years. He has also expanded affirmative action programs; many universities now have quotas for Afro-Brazilian students, stirring great controversy.

The owners of large estates control nearly 60 percent of the country's arable land, while the poorest 30 percent of the population hold less than 2 percent. In rural areas, land invasions are organized by the grassroots Landless Workers' Movement (MST), which claims that the seized land is unused or illegally held. However, many of the occupied properties are legally owned by others. The courts have increasingly supported the eviction of the squatters, and some owners have resisted invasions with force. The MST is not formally affiliated with the PT, but it has enjoyed some PT support.

Although Brazil abolished slavery in 1888 and a relatively successful anti-slavery taskforce exists, between 6,000 and 8,000 rural laborers still work under slavery-like conditions. Landowners who enslave workers face two to eight years in prison, in addition to fines. However, the fines are minimal, and as of the end of 2008, no one had been punished for these crimes.

Beginning in 2003, the government promised to demarcate large swaths of ancestral lands as the first step in creating indigenous reserves. In response to strong political pressure, da Silva established a Commission on Indigenous Policy in April 2007. The Supreme Court in August 2008 delayed ruling on whether an indigenous group had to share its previously demarcated reservation in the northern Amazon region with nonindigenous rice farmers. The decision will set the precedent for over 100 outstanding native land cases. Violence and discrimination against Brazil's estimated indigenous population of 460,000 continues, half of the indigenous population lives in poverty, and most indigenous communities lack adequate sanitation and education services.

A 2001 decree granted same-sex partners the same rights as married couples with respect to pensions, social security benefits, and taxation. While laws prohibit discrimination based on sexual orientation, a tremendous advance by Latin American standards in and of itself, violence against homosexuals remains a problem.

In 2003, a new legal code made women equal to men under the law for the first time in the country's history. Moreover, the August 2006 "Maria da Penha" law aimed to reduce violence against women by creating shelters and specially designed police centers for victims. Nevertheless, violence against women and children is a common problem, and protective laws are rarely enforced. Forced prostitution of children is widespread. Child labor is also prevalent—a 2007 International Labor Organization (ILO) report revealed that there were three million child workers in Brazil—and laws against it are not applied effectively. In response, the government and the ILO launched an initiative in December 2007 to strengthen the global fight against child labor; these efforts place Brazil ahead of most Latin American countries, even though deficiencies certainly still exist.

Brazil is a source for victims of both domestic and international human trafficking. According to the U.S. State Department's 2008 Trafficking in Persons Report, Brazil still does not comply with the minimum standards for eliminating human traf-

ficking, and prosecutions for forced labor remain deficient. However, the report notes the government's significant efforts to improve its human trafficking record. Convictions of trafficking offenders increased during 2007, and in a November 2006 ruling, the Supreme Court increased the federal government's ability to punish those who utilize or traffic in slave labor.

## Brunei

**Population:** 400,000

**Capital:** Bandar Seri Begawan

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,5NF	7,5NF	7,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

One of Brunei's two remaining political parties was deregistered without explanation in February 2008. Nevertheless, the Legislative Council continued to demonstrate a more active oversight role during the year, meeting in April to review government policy and the national budget for the 2008/2009 fiscal year.

The oil-rich sultanate of Brunei became a British protectorate in 1888. The 1959 constitution vested full executive powers in the sultan while providing for five advisory councils, including a Legislative Council. In 1962, Sultan Omar Ali Saifuddin annulled legislative election results after the leftist Brunei People's Party (BPP), which sought to end the monarchy, won all 10 elected seats in the 21-member council. After British troops crushed an insurgency mounted by the BPP, Omar declared a state of emergency, which has remained in force ever since. Continuing his father's absolute rule, Hassanal Bolkihah Mu'izzaddin Waddaulah became Brunei's 29th sultan in 1967. The British granted Brunei full independence in 1984.

In 2004, Hassanal reconvened the Legislative Council, which had been suspended since 1984. The body passed a constitutional amendment to expand its size to 45 seats, with 15 elected positions. However, Hassanal in September 2005 convened a new, 29-member Legislative Council, including five indirectly elected members representing village councils. Plans for the 45-person legislature with 15 directly elected slots have remained on the table since 2006, but elections have yet to be scheduled. The sultan's family and appointees continue to hold all state power, with the Internal Security Act (ISA) reserving virtually untrammled authority for the sultan himself.

The Legislative Council appears to have assumed budget review as a regular

function in recent years, meeting in 2006, 2007, and 2008 to scrutinize government expenditures. At the council's 2007 meeting, one member requested information about the government's Brunei Investment Agency (BLA) and the Employees Trust Fund. Budget review recurred at the 2008 meeting along with a request by Council members for the government to convert land leases acquired under British rule into permanent ownership. The government also announced its intention to raise public sector wages by 5 percent.

This modestly increased budget oversight—along with the plans for elected council members and efforts to promote the private sector while curbing corruption and radical Islam—are considered preparations for the eventual depletion of the country's oil and gas reserves, which currently account for 90 percent of state revenues and are expected to run out in two to three decades. Energy wealth has long allowed the government to stave off demands for political reform by employing most of the population, providing citizens with extensive benefits, and sparing them an income tax.

The government's tentative plans for directly elected legislative seats have been coupled with tighter control over political party activity by the Registrar of Societies. In February 2008, one of the two remaining political parties, the Brunei National Solidarity Party (PPKB), was deregistered without explanation.

Brunei ratified the Association of Southeast Asian Nations (ASEAN) charter in February 2008, and in August the country signed a free-trade agreement (FTA) with Japan. In keeping with its policy of fostering ties with other Islamic countries, the sultanate began plans to enter an FTA with Pakistan in 2009, and talks began with EU negotiators signaling an FTA could be signed with the EU in 2009 as well. In late August, Brunei offered to lead the peacekeeping effort in Mindanao in the southern Philippines when Malaysia's agreement came to a close and peace talks deadlocked.

### Political Rights and Civil Liberties:

Brunei is not an electoral democracy. The sultan wields broad powers under a long-standing state of emergency, and no direct legislative elections have been held since 1962.

Citizens convey concerns to their leaders through government-vetted councils of elected village chiefs. The government promotes a combination of Islamic values, local Malay culture, and allegiance to the monarchy through a national ideology called Malay Muslim Monarchy, and portrays abandonment of these values as treason and *haram* (sin).

The reform efforts of Sultan Hassanal Bolkiah Mu'izzaddin Waddaulah have been largely superficial and are designed to attract foreign investment. The unicameral Legislative Council has no political standing independent of the sultan. However, the council's mounting pressure on the government to disclose information on state investments and salary increases reflects a growing demand for accountability and responsible spending.

Despite long-standing plans to establish a 45-member legislature with 15 popularly elected members, political activity remains extremely limited. In 2007, the Registrar of Societies disbanded the People's Awareness Party (PAKAR) and forced the PPKB's president, Mohd Atta, to resign. The PPKB was deregistered without explanation in February 2008, leaving the National Development Party (NDP) as Brunei's sole remaining political party. Headed by a former political prisoner, exile, and insur-



gent leader, the NDP was permitted to register in 2005 after pledging to work as a partner with the government and swearing loyalty to the sultan. The NDP has been sporadically active: it met in February 2008 to discuss a new government development policy, *Wawasan Brunei 2035* (Vision Brunei 2035), and, at the party's third annual congress in June, NDP President Muhammed Yasin made the Bruneian offer to lead peacekeeping troops in Mindanao. When active at all, parties have traditionally focused on social rather than political issues because of the country's extensive political restrictions.

The vast wealth of the sultan and his family lends itself to profligacy among officials. Brunei claims to have launched a zero-tolerance policy on corruption, and its Anti-Corruption Bureau has made efforts to cooperate with regional partners and the Ministry of Education in recent years. In June 2008, an arrest warrant was issued for the sultan's brother and former finance minister, Prince Jefri Bolkiah, who had skipped a court appearance concerning his failure to transfer billions of dollars in assets to compensate the sultanate for misappropriated oil revenues. The transfer had been ordered in 2006 by a Brunei court and upheld by the Privy Council in London in November 2007. Brunei was not included in Transparency International's 2008 Corruption Perceptions Index.

Journalists in Brunei face considerable restrictions. Legislation enacted in 2001 allows officials to shut down newspapers without cause and to fine and jail journalists for articles deemed "false and malicious." The national sedition law was amended in 2005 to strengthen prohibitions on criticizing the sultan and the national ideology. In April 2007, the deputy prime minister warned the media not to "play with fire" when reporting on the sultanate, and to respect government decisions to withhold certain information. The largest daily, the *Borneo Bulletin*, practices self-censorship, though it does publish letters to the editor that criticize government policies. A second English-language daily, the *Brunei Times*, was launched by prominent businessmen in 2006 to attract foreign investors. A smaller, Malay-language newspaper and several Chinese-language newspapers are also published. Brunei's only television station is state run, but residents can receive Malaysian broadcasts and satellite channels. The country's internet practice code stipulates that content must not be subversive or encourage illegitimate reform efforts. Access to the internet is reportedly unrestricted.

The constitution allows for the practice of religions other than the official Shafeite branch of Sunni Islam, but proselytizing and the importation of religious literature by non-Muslims is prohibited. Christianity is the most common target of censorship, and the Baha'i faith is banned, but the country's various religious groups coexist peacefully. All residents must carry identity cards stating their religion, and marriage between Muslims and non-Muslims is not allowed. Muslims require permission from the Ministry of Religious Affairs to convert to other faiths, though official and societal pressure make conversion nearly impossible. However, radical Islam is discouraged, in part due to the government's interest in attracting investment.

The study of Islam, Malay Muslim Monarchy ideology, and the Jawi (Arabic script used for writing the Malay language) is mandatory in all public schools. The teaching of all other religions is prohibited.

Emergency laws continue to restrict freedom of assembly. Most nongovernmental organizations are professional or business groups, and under the 2005 Soci-

eties Order, all must register and name their members. Registration can be refused for any reason. Brunei's three, largely inactive trade unions, which must also register, are all in the oil sector and represent only about 15,000 workers. Strikes are illegal, and collective bargaining is not recognized. Brunei joined the International Labor Organization in January 2007.

The constitution does not specifically provide for an independent judiciary; although the courts generally appear to act independently, they have yet to be tested in political cases. Magistrates' courts try most cases, while more serious cases are reserved for the High Court, for which British judges are appointed. Sharia (Islamic law) takes precedence in areas including divorce, inheritance, and some sex crimes, though it does not apply to non-Muslims. The country's backlog of capital cases results in lengthy pretrial detention for those accused of serious crimes. According to the U.S. State Department's human rights report, caning is mandatory for 42 criminal offenses, including immigration violations, and is commonly carried out.

Religious enforcement officers raid homes to punish the mingling of unrelated Muslim men and women. In February 2008, the Sharia Court of Appeal announced the registration of 172 such cases in 2007, while the U.S. State Department's 2008 International Religious Freedom Report noted 691 cases for roughly the same period. The authorities also detain suspected antigovernment activists under the ISA, which permits detention without trial for renewable two-year periods. Prison conditions generally meet international standards.

Brunei's many "stateless" people, mostly longtime ethnic Chinese residents, are denied the full rights and benefits of citizens, while migrant workers, who comprise 30 to 40 percent of the workforce, are largely unprotected by the labor laws. Authorities are very strict on illegal entry, and workers who overstay visas are regularly imprisoned and, in some cases, caned or whipped.

Women are treated as unequal to men in areas such as divorce, in accordance with Islamic law, but an increasing number of women have entered the workforce in recent years. Women in government-run institutions and non-Muslim female students are required or pressured to wear traditional Muslim head coverings.

## Bulgaria

**Population:** 7,600,000

**Capital:** Sofia

**Political Rights:** 2\*

**Civil Liberties:** 2

**Status:** Free



**Ratings Change:** Bulgaria's Political Rights rating declined from 1 to 2 due to backsliding in the government's efforts to combat corruption and organized crime, which prompted the European Union to suspend substantial aid payments in July.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	1,3F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	2,2F

### Overview:

The European Commission penalized Bulgaria in July 2008 for inadequate progress in combating organized crime and corruption, suspending a large portion of European Union aid payments and barring two Bulgarian agencies from processing such funds. Conditions had failed to improve, and were widely thought to have worsened, since Bulgaria joined the bloc in January 2007. Suspected contract killings and small bombings continued to occur in 2008, and the interior minister was forced to resign in April after two senior subordinates were arrested.

Bulgaria gained autonomy within the Ottoman Empire in 1878 and full independence in 1908. It lost some territory as a result of World War I, and was occupied by Soviet forces toward the end of World War II; the monarchy was abolished shortly after the war. Communist leader Todor Zhivkov ruled the country from 1954 to 1989, when the broader political changes sweeping the region inspired a massive prodemocracy rally in Sofia.

Over the next 12 years, power alternated between the Bulgarian Socialist Party (BSP), successor to the Communist Party, and the center-right Union of Democratic Forces (UDF). The latter achieved significant economic restructuring and won an invitation for European Union (EU) membership talks, which began in 2000. In 2001, the National Movement for Simeon II (NDSV), led by the former king, won national elections and formed a governing coalition with the Movement for Rights and Freedoms (DPS), a party representing the country's Muslim and ethnic Turkish minorities.

Amid record-low turnout, the BSP captured 82 seats in the 2005 parliamentary elections. The NDSV placed second (53 seats), followed by the DPS (34 seats). The new, ultranationalist Ataka (Attack) party took 9 percent of the vote (21 seats), while the remainder was divided among the UDF and smaller parties. The three largest parties formed a coalition, with BSP leader Sergei Stanishev as prime minister. In the

October 2006 presidential election, incumbent Georgi Parvanov easily defeated Ataka leader Volen Siderov for a second term.

Bulgaria formally joined the EU in January 2007 and held its first elections for the European Parliament in May, with the new center-right opposition party—Citizens for the European Development of Bulgaria (GERB)—edging out the BSP. GERB also led municipal elections in the fall, which were marred by reports of vote buying and the organized busing of voters from Turkey.

After a series of warnings, the European Commission in July 2008 suspended 486 million euros (US\$713 million) in aid funds and barred two Bulgarian agencies from handling EU aid, citing ongoing corruption and organized crime. The commission's report found that the country, the first EU member to receive such penalties, had failed to extract concrete results from its accession-related institutional and legal reforms. Bulgaria would face more severe sanctions if its performance did not improve. A few days after the EU rebuke, the government survived its second no-confidence vote of the year, and its sixth since taking office in 2005.

### Political Rights and Civil Liberties:

Bulgaria is an electoral democracy. The unicameral National Assembly, composed of 240 members, is elected every four years. Georgi Parvanov of the BSP is currently serving his second five-year term as president, having won reelection in 2006. The president is the head of state, but his powers are very limited. The legislature chooses the prime minister, who serves as head of government.

The top vote-earners in the 2005 parliamentary elections were the left-wing BSP, the centrist DPS, and the center-right NDSV, which was renamed the National Movement for Stability and Progress in 2007. In May 2008, an NDSV splinter faction formed the Bulgarian New Democracy party, which sided with the opposition. There are several small Romany parties, and Roma were better represented on the main party lists in the 2007 municipal elections than in the past. GERB, a new center-right party led by Sofia mayor Boyko Borisov, won the most votes in the 2007 polls but has not yet contested parliamentary elections. The July 2008 European Commission report noted that there had been few investigations and no sentences pertaining to alleged vote buying and other irregularities in the 2007 municipal polls.

Corruption is a serious concern in Bulgaria. Anticorruption reforms associated with EU accession, including the recent creation of the State Agency for National Security (DANS), have yielded few convictions or sentences of high-level officials. The July 2008 European Commission report cited poor monitoring of government procurement and a lack of strategy on combating local corruption, among other problems. It found that Bulgarian officials did not take decisive action when fraud was identified, and it pointed to low public sector salaries as a factor contributing to graft. Anticorruption efforts apparently slackened after EU accession, with *Balkan Insight* reporting that 142 people were convicted of corruption in 2007, compared with 602 in 2006. The director of the customs agency and two of his deputies were among several officials who resigned amid corruption allegations in 2008, though some disgraced officials in the past have retained political influence and returned to public office. Bulgaria was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, the worst performance in the EU.

Bulgarian media have improved considerably since 1989, due in part to increas-

ing foreign ownership, but political and economic pressures sometimes lead to self-censorship. Although the state-owned media are often critical of the government, ineffective legislation leaves them vulnerable to political influence. Intimidation from the authorities and organized crime groups remains the biggest obstacle to press freedom. Ognyan Stefanov, editor in chief of the news website Frognews.bg, was beaten by multiple assailants armed with hammers in September 2008, leaving him in a coma. A Frognews employee had recently been questioned by the DANS about the site's alleged affiliation with the anonymous website Opasnite, which published sensational articles involving top government and security officials; Opasnite had been shut down by the DANS earlier in September. The government does not place restrictions on internet access, but it uses a broad interpretation of EU rules on information retention by internet service providers (ISPs), allowing authorities to access users' information when investigating even minor crimes.

Members of minority faiths report occasional instances of harassment and discrimination despite constitutional guarantees of religious freedom. The authorities in some areas have made it difficult for "nontraditional" religious groups—those outside the Orthodox Christian, Roman Catholic, Muslim, and Jewish communities—to operate, and the state has denied recognition to one side in a Bulgarian Orthodox Church schism. Mosques suffered a rash of hate graffiti and an arson attack in September 2008, and the Ataka party has used hostile and provocative language aimed at Jews and Muslims during its political campaigns. The government does not restrict academic freedom.

The authorities generally respect constitutional freedoms of assembly and association. Trade union rights are in place, but the laws are insufficient to prevent employers from discriminating against union members. In 2008, farmers mounted repeated protests to demand that the government compensate them for aid withheld by the EU.

Bulgaria's judiciary has benefited from a series of structural reforms associated with EU accession, with most designed to bolster the courts' independence, efficiency, and transparency. However, the July 2008 European Commission report highlighted a number of remaining weaknesses, including stalled computerization and inadequate staff and equipment. The report repeated calls for an overhaul of the penal code, and noted that court proceedings were plagued by leaks, outside influence, and crippling delays over minor procedural issues. Earlier in July, a DANS operation led to bribery charges against the head of Varna's administrative court. Separately, raucous supporters of Ataka leader Volen Siderov in May forced the postponement of perjury proceedings against him and his wife over a 2006 incident in which he had allegedly attacked a motorist after an automobile accident. They were eventually acquitted in October.

Organized crime remains a serious problem in government, in the economy, and on the streets. Ivan Ivanov, deputy director of a police division devoted to fighting organized crime, was arrested in March 2008 for leaking information on investigations. A former Interior Ministry chief secretary was arrested the same month for allowing an illegal wiretap of Ivanov. Interior Minister Rumen Petkov resigned under pressure in April, shortly after the government survived a no-confidence vote over the problems; Petkov reportedly admitted to meeting with crime bosses in 2006 to curb killings ahead of EU accession. Ivanov received an 18-month suspended prison sentence in October, and after a closed trial, Petkov was cleared in November

of an alleged leak related to the scandal. Petkov retained his seat in the parliament. None of the roughly 150 suspected contract killings since 1990 have been solved, and new killings in early April 2008 took the lives of well-known crime writer Georgi Stoev and an energy executive. Several small bombings with suspected links to organized crime or business disputes occurred during the year. While official statistics showed a slight drop in overall crime in 2007, some analysts noted that victims often failed to report crimes due to a lack of confidence in the justice system. Meanwhile, the untaxed "gray" economy is believed to account for at least a quarter of gross domestic product. In 2008, the government shut down duty-free shops and gas stations along the borders in an effort to thwart rampant smuggling schemes. Incidents of mistreatment by police have been reported, and prison conditions remain inadequate in many places.

Ethnic minorities, particularly the Roma, continue to face discrimination in employment, health care, education, and housing. Sexual minorities also face discrimination. Dozens of people were arrested in June 2008 while attempting to disperse the country's first gay rights march by pelting participants with rocks and firecrackers.

Women remain underrepresented in political life, making up about 20 percent of National Assembly members. Domestic violence is an ongoing concern. The country is a source of human-trafficking victims, and internal trafficking is increasing to meet demand in coastal resort areas and border towns. Romany women and children make up a disproportionate number of trafficking victims, accounting for roughly a third of the total.

## Burkina Faso

**Population:** 15,200,000  
**Capital:** Ouagadougou

**Political Rights:** 5  
**Civil Liberties:** 3  
**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	4,4PF	4,4PF	4,4PF	4,4PF	5,4PF	5,3PF	5,3PF	5,3PF	5,3PF

**Overview:** In late February 2008, riots against the high cost of living erupted in several major towns, and the authorities responded with scores of arrests and jail sentences. Fighting at the end of May between farmers and nomads in two southwestern provinces killed 15 people. Security forces also clashed with students at the University of Ouagadougou in June, resulting in the sentencing of four students to jail terms of up to six months. In July, the president signed a five-year development compact worth \$481 million with the U.S. Millennium Challenge Corporation.

Burkina Faso experienced a series of military coups after gaining independence from France in 1960. In 1987, Thomas Sankara, a populist president who had risen to power through a coup in 1983, was ousted by army captain Blaise Compaore; Sankara and several of his supporters were killed. In 1991, a democratic constitution was approved in a referendum, and Compaore easily won that year's presidential election due to an opposition boycott. Compaore secured another seven-year term in the November 1998 election.

The government undertook a series of political reforms after 1998, including the introduction of an independent electoral commission, a single-ballot voting system, public campaign financing, and a third vice presidential position in the legislature for the opposition leader. However, in December 1998, Norbert Zongo, a journalist investigating the death of an employee of Compaore's brother, was assassinated. An independent investigative body concluded in 1999 that Zongo's murder was linked to his reporting and identified six members of the presidential guard as suspects. Only one suspect was charged, and an appeals court dismissed the charges in August 2006, citing a lack of evidence.

The 2002 National Assembly elections were the first conducted without a significant opposition boycott. Compaore's Congress for Democracy and Progress (CDP) party won only 57 of the National Assembly's 111 seats, compared with 101 in 1997. In 2000, a constitutional amendment had shortened presidential terms from seven to five years, and a 2001 amendment had limited presidents to two terms in office. However, the CDP argued that the latter change was not retroactive, and Compaore secured a third term in 2005. The country's first municipal elections were held in 2006, with the CDP capturing nearly two-thirds of the local council seats. The CDP gained 16 seats in the May 2007 National Assembly elections, for a total of 73, while the largest opposition party, the Alliance for Democracy and Federation-African Democratic Rally (ADF-RDA) lost 3 seats, for a total of 14.

Civil unrest over the high cost of living erupted in late February 2008, following several months of price increases ranging from 10 to 65 percent. A two-day protest started on February 20 in the western city of Bobo-Dioulasso, with some protesters engaging in looting and property damage, leading to as many as 264 arrests. Mass demonstrations spread to other cities on February 21. The government on February 27 suspended taxes on certain imported food staples, but fresh riots broke out the next day in Ouagadougou due to public dissatisfaction with the government's decision to lower import taxes rather than the prices of basic locally produced goods. Authorities arrested up to 184 protesters, according to some reports.

A court in Bobo-Dioulasso sentenced 29 riot suspects to between 3 and 36 months in prison on February 29. On March 11, a court in Ouagadougou sentenced Thibault Nana, leader of the small opposition Democratic and Popular Rally (RDP) party, to three years in prison for allegedly orchestrating the protests and 44 others to one year each for involvement in the unrest. Thousands protested again on March 15 in Ouagadougou and other towns against the high cost of living, but the demonstrations were peaceful and there were no reported arrests. Assane Sawadogo, the minister of security, was dismissed in September after facing criticism for his harsh response to the February riots.

Separately, clashes between farmers and nomads at the end of May in Poni and Bougouriba provinces in the southwest killed 15 people. The violence was ignited

by the death of two farmers who were in police custody for previous involvement in clashes with nomads. In June, an unauthorized protest by students from the University of Ouagadougou ended in clashes with security forces. While 35 students were arrested, all but 4 were later acquitted, with the remainder receiving six-month jail sentences.

Compaore in July signed a five-year, \$481 million development aid compact with the U.S. Millennium Challenge Corporation. The funds would be devoted to improvements in land security, agriculture, roads, and primary education. Burkina Faso is one of the world's poorest countries, and approximately 85 percent of the population engages in subsistence agriculture. The economy is highly dependent on cotton exports, leaving it vulnerable to poor harvests and fluctuations in global prices.

Officials from Burkina Faso and Benin reached an agreement in March to end a long-standing border dispute over a 68-square-kilometer area of land. The agreement bars either side from engaging in any "visible sovereignty act" in the disputed area, and residents will be permitted to vote in either country. In a sign of improving relations with Cote d'Ivoire, that country's president, Laurent Gbagbo, addressed the Burkinabe parliament during a three-day visit in July. Tensions had developed between the two countries over accusations by Ivorian authorities that Burkina Faso had backed rebels in the country's north, and over accusations that Burkinabe living in Cote d'Ivoire experienced mistreatment.

Also during the year, several hundred Malian refugees fled fighting between the Malian government and Tuareg rebels, settling in Ouagadougou and in camps near the Malian border.

### **Political Rights and Civil Liberties:**

Burkina Faso is not an electoral democracy. International monitors have judged the most recent presidential, municipal, and legislative elections to be generally free but not entirely fair, due to the ruling CDP's privileged access to state resources and the media. President Blaise Compaore is currently serving his final five-year term in office and will step down in 2010. The 111-seat National Assembly is unicameral, and members serve five-year terms. The legislature is independent but subject to executive influence.

The constitution guarantees the right to form political parties, and 13 parties are currently represented in the legislature. Opposition members have been critical of 2004 revisions to the electoral code, which tripled the number of electoral districts, saying the new system favors larger parties. Many parties have unclear ideologies, and while some private media outlets have organized political debates, opposition candidates' access to the state media is limited.

Corruption remains widespread, despite a number of public and private anticorruption initiatives. The courts have been unwilling or unable to adequately prosecute many senior officials charged with corruption. However, the National Network to Fight Against Corruption (RENLAC) has been successful in raising awareness of the problem. Burkina Faso was ranked 80 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although freedom of expression is constitutionally guaranteed and generally respected, many media outlets practice self-censorship. Journalists occasionally face criminal libel prosecutions, death threats, and other forms of harassment and intimi-



dition. There are over 50 private radio stations, a private television station, and several independent newspapers, and the government does not restrict internet access.

Burkina Faso is a secular state, and freedom of religion is respected. Academic freedom is also unrestricted.

The constitution provides for the right to assemble, though demonstrations are sometimes suppressed or banned, as evidenced by the authorities' crackdown on protests in 2008. Many nongovernmental organizations, including human rights groups that have reported abuses by security forces, operate openly and freely. The constitution guarantees the right to strike, and unions are able to engage freely in strikes and collective bargaining, although only a minority of the workforce is unionized. In April, the General Confederation of Burkinabe Workers (CGTB) organized a two-day general strike by both public- and private sector workers to protest the high cost of living.

The judicial system is formally independent, but it is subject to executive influence and corruption. The judiciary is further weakened by a lack of resources and citizens' poor knowledge of their rights. Although the right to own property is legally guaranteed, the inadequate judicial system and the recourse to traditional courts in rural areas limit this right in practice.

Human rights advocates in Burkina Faso have repeatedly criticized the military and police for acting with impunity. Police often use excessive force and disregard pretrial detention limits. Prison conditions are harsh.

Discrimination against members of Burkina Faso's various ethnic minorities occurs but is not widespread. However, the disabled, homosexuals, and those infected with HIV routinely experience discrimination. The HIV prevalence rate is currently just under 2 percent.

The constitution provides for freedom of movement within the country, although security checks on travelers are common. Equality of opportunity is hampered in part by the advantages conferred on CDP members, who receive preferential treatment in securing public contracts.

Discrimination on the basis of gender is prohibited, but women's rights are not consistently upheld in practice. Discrimination against women is common in employment, education, property, and family rights, particularly in rural areas. Unpaid child labor is illegal but common. Female genital mutilation still occurs, though it was banned in 1996. A provincial court in May 2008 sentenced a woman to two years in prison for carrying out the procedure on 14 young girls, and the girls' mothers received one-year suspended sentences. Burkina Faso is a source, transit, and destination country for trafficking in women and children, who are subject to forced labor and sexual exploitation. The government criminalized child trafficking in 2003 and doubled the maximum prison term for traffickers to 10 years in May 2008. However, adult trafficking is still not prohibited, and sentences for convicted traffickers often lack severity.

## ↓ Burma (Myanmar)

Population: 49,200,000  
Capital: Rangoon

Political Rights: 7  
Civil Liberties: 7  
Status: Not Free



**Trend Arrow:** Burma received a downward trend arrow due to increased crack-downs on political activists.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF

### Overview:

The military regime in 2008 continued to persecute individuals associated with the popular protests of 2007, and the number of political prisoners rose sharply during the year. In early May, Cyclone Nargis devastated the country's Irrawaddy Delta region, but the government's delay in responding and obstruction of international relief efforts resulted in unnecessary losses. Despite the natural disaster, the junta proceeded with a previously scheduled constitutional referendum on May 10. Officials claimed that the new constitution, which entrenched military rule, was approved by 92.4 percent of voters, setting the stage for elections in 2010. However, reports of intimidation and vote-rigging led human rights groups to denounce the referendum as a sham.

After occupation by the Japanese during World War II, Burma achieved independence from Britain in 1948. The military has ruled since 1962, when the army overthrew an elected government. During the next 26 years, General Ne Win's military regime helped impoverish what had been one of Southeast Asia's wealthiest countries.

The present junta, led by General Than Shwe, dramatically asserted its power in 1988, when the army opened fire on peaceful, student-led, prodemocracy protesters, killing an estimated 3,000 people. In the aftermath, a younger generation of army commanders created the State Law and Order Restoration Council (SLORC) to rule the country. However, the SLORC refused to cede power after it was defeated in a landslide election by the National League for Democracy (NLD) in 1990. The junta jailed dozens of members of the NLD, which had won 392 of the 485 parliamentary seats in Burma's first free elections in three decades.

In an effort to improve its international image, the SLORC refashioned itself into the State Peace and Development Council (SPDC) in 1997. The regime began holding talks with NLD leader Aung San Suu Kyi in late 2000, which led to an easing of restrictions on the party by mid-2002. Aung San Suu Kyi was released from house

arrest and allowed to make several political trips outside the capital, and the NLD was permitted to reopen a number of its branch offices.

Aung San Suu Kyi's growing popularity and her revitalization of the NLD during the first half of 2003 apparently rattled hard-liners within the regime. On May 30, an ambush on the NLD leader's motorcade by SPDC supporters left an unknown number of people killed or injured. Aung San Suu Kyi and dozens of other NLD members were detained following the attack, NLD offices were again shut down, and universities and schools were temporarily closed to suppress wider unrest. Aung San Suu Kyi was released from prison in September 2003 but remained under house arrest, as did other senior party leaders. Periodic detentions of political activists, journalists, and students continued.

Than Shwe organized an October 2004 government purge in which Khin Nyunt, the prime minister and head of military intelligence, was removed from office and placed under house arrest. In 2005, authorities began shifting the country's capital 600 kilometers (370 miles) inland, to a new site called Nay Pyi Taw. The city was officially designated the capital in 2006.

The National Convention, which was responsible for drafting principles for a new constitution, concluded its 14 years of intermittent deliberations in August 2007. It had been dormant between 1996 and 2004, and met only briefly in 2005 and 2006. The convention was boycotted by the main political parties, and its delegates and agenda were tightly controlled by the junta. The body's recommendations included reserving 25 percent of the seats in any future parliament for the military, and requiring that the president have military experience. In October 2007, the government appointed 54 officials to draft the constitution in line with the convention's recommendations.

The largest demonstrations in nearly 20 years broke out in 26 cities in August and September 2007, triggered by a 500 percent fuel price increase. The 88 Generation Students, a group composed of dissidents active in the 1988 protests, were at the forefront of many of the demonstrations, calling for better economic management and greater political freedom. In mid-September, soldiers attacked protesting Buddhist monks. Leading monks requested that the regime apologize, reduce fuel prices, release all political prisoners, and enter into dialogue with prodemocracy forces. When the generals failed to grant these requests, thousands of monks took to the streets, joined and encouraged by the general populace. Soldiers, riot police, and members of the paramilitary Union Solidarity and Development Association (USDA) and the Swan Arr Shin militia group responded brutally, killing at least 31 people. The crackdown continued into 2008 and broadened to include those who might participate in forming political parties in the scheduled 2010 elections. A year after the protests, more than 800 of those arrested remained in prison. Politically motivated arrests increased significantly throughout the year.

Cyclone Nargis struck the Irrawaddy Delta on May 2, 2008. The government later estimated that the storm left almost 140,000 people dead or missing, and approximately 2.4 million more were severely affected. The junta initially reacted by preventing humanitarian agencies from entering the country and later obstructed access to the disaster area. On May 20, the SPDC announced the end of the rescue phase of the response, ordering victims to return to their homes despite the fact that many villages remained uninhabitable. Many Burmese volunteers were detained for

trying to deliver aid to cyclone victims, including popular comedian Zarganar, who was sentenced to a total of 59 years in prison in November. Donated materials were confiscated by authorities, and there were numerous reports of authorities or soldiers selling relief items at markets or to cyclone victims. Domestic and international relief efforts expanded through June after dialogue sessions were conducted through the Association of Southeast Asian Nations (ASEAN), but the delay worsened conditions for storm victims.

The junta went ahead with the May 10 constitutional referendum as scheduled; the completed draft had been announced in February, and general elections were expected to follow in 2010. The balloting was delayed until May 24 in areas that were severely affected by the cyclone, but the SPDC claimed on May 15 that 99 percent of eligible voters had turned out for the referendum, and 92.4 percent of them voted yes to the constitution, making the delayed vote in the disaster area irrelevant. Burmese political opposition and international human rights groups called the referendum a sham, citing the widespread use of intimidation and repression of freedom of expression during both the campaign period and the referendum itself.

**Political Rights and Civil Liberties:** Burma is not an electoral democracy. The SPDC rules by decree; controls all executive, legislative, and judicial powers; suppresses nearly all basic rights; and commits human rights abuses with impunity. Military officers hold most cabinet positions, and active or retired officers hold most top posts in all ministries, as well as key positions in the private sector.

Since rejecting the results of the 1990 elections and preventing the unicameral, 485-seat People's Assembly from convening, the junta has all but paralyzed the victorious NLD party. Authorities have jailed many NLD leaders, pressured thousands of members to resign, closed party offices, harassed members' families, and periodically detained supporters to block planned meetings. Hundreds of NLD members were arrested for their participation in the 2007 protest movement. Besides the NLD, there are more than 20 ethnic political parties that remain suppressed by the junta. In November 2008, about 40 dissidents, including 14 members of the 88 Generation Students, were each sentenced to 65 years in prison.

The May 2008 constitutional referendum was not free or fair. The preelection period was marked by voter-list manipulation as well as intimidation aimed at opposition campaigners. Voters reported being required to print identifying information on their ballots and being watched by officials as they voted. The SPDC did little to promote public awareness about the contents of the draft constitution and banned public debate. The draft was not translated into any minority language. The junta also forbade international observers and failed to create an independent election committee.

In a system that lacks both transparency and accountability, official corruption is rampant at both the national and local levels. Transparency International gave Burma, along with Iraq, the second-to-worst ranking out of 180 countries surveyed in its 2008 Corruption Perceptions Index.

The military government sharply restricts press freedom and either owns or tightly controls all daily newspapers and broadcast media. Although the market for private publications is growing, the military subjects private periodicals to

prepublication censorship and restricts the importation of foreign periodicals. Crack-downs on the media continued in 2008. The number of imprisoned journalists and bloggers rose from 9 at the beginning of the year to 14 at year's end, with sentences as long as 59 years being imposed. The censorship board suspended one magazine for printing a story without permission and shut down another. The junta stepped up surveillance at internet cafes and sharply raised the fees for satellite dish licenses. Outspoken critics of the referendum were threatened or arrested. In April, about 60 people were arrested in Rakhine state for wearing "vote no" T-shirts. After the cyclone, journalists were forbidden to enter damaged areas, publish close-up pictures of corpses, or report unofficial death tolls. Artists, writers, and filmmakers were also persecuted during 2008. On the first anniversary of the 2007 protests, the junta released nine prisoners of conscience, including journalist U Win Tin, Burma's longest-serving political prisoner. At the same time, three Burmese news agencies in exile came under cyber-attack. In November, the junta sentenced several journalists to harsh prison terms ranging from 7 to 20 years.

The 2008 constitution provides for freedom of religion. It distinguishes Buddhism as the majority religion but also recognizes Christianity, Islam, Hinduism, and animism. According to the U.S. State Department, the government at times interferes with religious assemblies and discriminates against minority religious groups. During the crackdown on the 2007 uprising, authorities raided monasteries and arrested thousands of monks, and those detained were reportedly abused and forcibly defrocked. Monasteries were subsequently kept under close surveillance.

Academic freedom is severely limited. Teachers are subject to restrictions on freedom of expression and publication and are held accountable for the political activities of their students. Since the 1988 student prodemocracy demonstrations, the junta has sporadically closed universities, and most campuses have been relocated to relatively isolated areas to disperse the student population.

Freedoms of association and assembly are restricted. Unauthorized outdoor gatherings of more than five people are banned, and authorities regularly use force to break up or prevent demonstrations and meetings. During the fall 2007 protests, the government imposed curfews and beat or arrested thousands of peaceful protesters. Many are thought to have been killed in the crackdown.

Some public sector employees and ordinary citizens are compelled to join the USDA. Domestic human rights organizations are unable to function independently, and the regime generally dismisses scrutiny of its human rights record. International humanitarian efforts have expanded but face severe restrictions. Many small NGOs provide social services in remote areas but also face threats to their activities.

Independent trade unions, collective bargaining, and strikes are illegal, and several labor activists are serving long prison terms. The regime continues to use forced labor despite formally banning the practice in 2000. Laborers are commandeered to construct roads, clear minefields, porter for the army, or work on military-backed commercial ventures. The practice appears to be most common in states populated by ethnic minorities. After Cyclone Nargis struck in May 2008, there were numerous reports of storm victims being used as forced labor. In February 2007, the regime pledged to allow victims of forced labor to submit complaints to local offices of the International Labor Organization (ILO) without fear of retaliation. However, in 2008, a number of people who had attempted to do so remained in detention, and members

of the ILO liaison network, consisting of human rights and labor activists from all over Burma, continued to face arrest and harassment.

The judiciary is not independent. Judges are appointed or approved by the junta and adjudicate cases according to its decrees. Administrative detention laws allow people to be held without charge, trial, or access to legal counsel for up to five years if the SPDC concludes they have threatened the state's security or sovereignty. Some basic due process rights are reportedly observed in ordinary criminal cases, but not in political cases, according to the U.S. State Department's 2008 human rights report. In May 2008, the junta extended the detention of Aung San Suu Kyi, who had served 13 of the past 19 years under house arrest with no charges. The frequently used Decree 5/96, issued in 1996, authorizes prison terms of up to 20 years for aiding activities "which adversely affect the national interest." The Assistance Association for Political Prisoners of Burma (AAPPB) and Amnesty International estimate that the number of political prisoners increased from 1,192 in August 2007 to 2,123 in September 2008. Among those, 700 to 900 were arrested for participation in the 2007 uprising. Political prisoners are frequently held incommunicado in pre-trial detention, facilitating torture. Since the end of 2005, the International Committee of the Red Cross (ICRC) has been barred from conducting independent visits to prison facilities. In April 2008, authorities in Rangoon's Insein prison enacted regulations denying visitations rights for non-family members, effectively putting an end to nongovernmental programs providing food and other aid to inmates. Conditions at Insein prison have worsened since prison guards shot and killed 36 inmates during the panic associated with Cyclone Nargis's landfall.

Some of the worst human rights abuses take place in the seven states populated mostly by ethnic minorities, who comprise roughly 35 percent of Burma's population. In these border states, the military kills, beats, rapes, and arbitrarily detains civilians. The Chin, Karen, and Rohingya minorities are frequent victims. According to a March 2007 report released by the Women's League of Chinland, Burmese soldiers rape and beat Chin women with impunity and are promised 100,000 kyat (US\$16,000) for marrying Chin women as part of a strategy of "Burmanization." The majority of Rohingya are denied citizenship and face severe restrictions on their freedom of movement, their right to own land, and their ability to marry. However, the Office of the UN High Commissioner for Refugees estimates that 35,000 temporary registration cards were issued to Rohingya in 2007 and an additional 48,000 were issued between January and May 2008.

Seventeen rebel groups have signed ceasefire deals with the junta since 1989, under which they retain effective administrative autonomy and their own militias. However, the Karen National Liberation Army and at least five other groups maintain low-grade insurgencies. Some rebel armies have reportedly displaced villagers, used forced labor, and recruited child soldiers. A renewed government offensive in Karen state in 2005 has continued through 2008, displacing some 40,000 Karen. Several reports have accused the military of targeting civilians and destroying food supplies. Tens of thousands of ethnic minorities in Shan, Karenni, Karen, and Mon states live in squalid and ill-equipped relocation centers set up by the military. In addition, according to Refugees International, several million Burmese have fled to neighboring countries. Thailand hosts at least 150,000 Karen, Mon, and Karenni in refugee camps near the border, as well as hundreds of thousands more who have

not been granted refugee status. An estimated 26,000 Rohingya live in refugee camps in Bangladesh.

Burmese women have traditionally enjoyed high social and economic status, but domestic violence is a growing concern, and women remain underrepresented in the government and civil service. Several 2007 reports by the Women's League of Burma (WLB) detailed an ongoing nationwide pattern of sexual violence—including rape, sexual slavery, and forced marriage—against women by military personnel and other authorities. In 2008, the WLB called for the generals to be taken to the International Criminal Court for the systematic use of rape as a weapon against ethnic minorities. Criminal gangs have in recent years trafficked thousands of women and girls, many from minority groups, to Thailand and other destinations for prostitution, according to reports by Human Rights Watch and other organizations. The Coalition to Stop the Use of Child Soldiers named Burma as the most persistent user of child soldiers in 2008.

## ↓ Burundi

**Population:** 8,900,000

**Capital:** Bujumbura

**Political Rights:** 4

**Civil Liberties:** 5

**Status:** Partly Free



**Trend Arrow:** Burundi received a downward trend arrow due to the lack of progress on the establishment of an independent electoral commission as well as the authorities' crackdown on opposition political activity.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	6,5NF	5,5NF	5,5PF	3,5PF	4,5PF	4,5PF	4,5PF

### Overview:

Burundi's tortuous progress toward political reconciliation and peace continued in 2008. In the spring, violence flared between government soldiers and the last rebel group, the National Liberation Forces (FNL). Nonetheless, FNL leader Agathon Rwaso returned to the capital in late May to participate in negotiations on the demobilization of his guerrillas and the transformation of the FNL into a political party. These discussions were complicated by complaints over repressive actions taken by the ruling party and counterclaims that the FNL was continuing to recruit military cadres. Concerns also grew over the failure of the government to appoint an independent election commission.

The minority Tutsi ethnic group governed Burundi for most of the period since independence from Belgium in 1962. The military, judiciary, educational system, busi-

ness sector, and news media have also traditionally been dominated by the Tutsi. Violence between them and the majority Hutu has broken out repeatedly since independence. A 1992 constitution introduced multiparty politics, but the 1993 assassination of the newly elected Hutu president, Melchior Ndadaye of the Front for Democracy in Burundi (FRODEBU) party, resulted in sustained and widespread carnage.

Ndadaye's murder fatally weakened FRODEBU's hold on power. Negotiations on power sharing took place over the succeeding months, as ethnic violence continued to rack the country. Ndadaye's successor was killed in 1994, along with Rwandan president Juvenal Habyarimana, when their plane was apparently shot down as it approached Kigali airport in Rwanda. This event triggered the Rwandan genocide and intensified the violence in Burundi.

Under a 1994 power-sharing arrangement between FRODEBU and the mainly Tutsi-led Unity for National Progress (UPRONA) party, Hutu politician Sylvestre Ntibantunganya served as Burundi's new president. He was ousted in a 1996 military coup led by former president Pierre Buyoya, a Tutsi whom Ndadaye had defeated in the 1993 election. Peace and political stability within the country continued to be elusive as armed insurgents sporadically staged attacks and government forces pursued an often ruthless campaign of intimidation.

In 2000, negotiations mediated by former South African president Nelson Mandela resulted in an agreement in principle by most parties on a future democratic political solution to the conflict. Nineteen groups from across the political spectrum agreed to recommendations on the nature of the conflict, reforms for the nation's governing institutions, security issues, and economic restructuring and development. The specific form of the political institutions through which power would be shared and the reform of the military proved to be especially sensitive issues. In November 2001, a transitional government was installed, with Buyoya temporarily remaining chief of state and FRODEBU's Domitien Ndayizeye as vice president. The failure of key elements of two Hutu rebel groups, the Forces for the Defense of Democracy (FDD) and the National Liberation Forces (FNL), to participate in the transition resulted in both continued negotiations and violence.

By the end of 2002, most of the factions had agreed to stop the fighting and participate in transitional arrangements leading to national elections, initially scheduled for late 2004. In April 2003, Buyoya stepped down and was replaced as president by Ndayizeye. In October of that year, the FDD reached an agreement with the government. Progress continued in 2004, with an August agreement on the shape of new democratic institutions—designed to balance the interests of the Hutu and Tutsi populations—and on the holding of elections.

In 2005, Burundi achieved a major milestone by holding the first local and national elections since 1993. These resulted in a fundamental political realignment as the largely Hutu National Council for the Defense of Democracy (CNDD), the political wing of the FDD, emerged as the country's largest party, eclipsing the traditionally dominant parties. Parliament subsequently chose Pierre Nkurunziza as president. Domestic and international observers generally regarded the local and national legislative elections as legitimate and reflective of the people's will.

Fragile attempts to develop democratic institutions received a boost in 2006 when a key faction of the sole remaining rebel group, the FNL, agreed to lay down its arms



and participate in the political process. The country was rocked by political instability, however, as several senior figures, including opposition leaders, were temporarily arrested in connection with an alleged coup plot. In addition, the ruling CNDD party leadership showed increasing signs of intolerance toward opposition and independent viewpoints. A tentative ceasefire agreement was reached with the last significant FNL faction in June 2007, and in August, the head of a truth and reconciliation commission was named. Rival parties also signed an agreement to end a legislative boycott by FRODEBU and UPRONA that had threatened Burundi's nascent democracy.

In the spring of 2008, violence flared again between government soldiers and the FNL, which operated in territory near the capital. In addition, the Constitutional Court ruled in favor of a government claim that a number of lawmakers should be replaced by government supporters. Nonetheless, FNL leader Agathon Rwasa returned to Bujumbura in late May to participate in negotiations on the demobilization of his guerrillas and the transformation of the FNL into a political party. These discussions were continuing at year's end, but were complicated by complaints regarding repressive actions taken by the CNDD such as the arrest of a well-known journalist and opposition political leader in November, and counterclaims that the FNL was continuing to recruit military cadres.

An annual per capita gross domestic product of \$700 places Burundi among the poorest countries in the world. Food prices increased sharply during 2008, with the cost of beans and cassava rising by 52 and 22 percent, respectively, over 2007 prices.

**Political Rights and Civil Liberties:** Burundi is an electoral democracy. In 2005, citizens were able to change their government democratically. Restrictions on political parties were lifted, and parties and civic organizations now function with greater freedom than previously. Burundi currently has representative institutions at the local, municipal, and national levels, in both the legislative and executive branches of government. The electoral commission that organized the 2005 elections was later dissolved. Observers expressed increasing concern about the scheduled 2010 presidential and parliamentary elections in light of the inability of the government to appoint a new independent electoral commission.

While the lower house of Parliament—the 100-seat National Assembly—is directly elected for a five-year term, locally elected officials choose members of the Senate, also for five-year terms. Each of Burundi's 17 provinces chooses two senators—one Tutsi and one Hutu. Carefully crafted constitutional arrangements require the National Assembly to be 60 percent Hutu and 40 percent Tutsi, with three additional deputies from the Twa ethnic minority, who are also allocated three senators. In both houses, a minimum of 30 percent of the legislators must be women. Former presidents also hold Senate seats; apart from this provision, there are no rules to increase the size of either chamber by adding nonelected members. In June 2008, the ruling CNDD party successfully pressured the Constitutional Court to permit the removal of 22 dissident lawmakers and their replacement with loyal party members. Both houses of Parliament elect the president to a five-year term. The president appoints two vice presidents, one Tutsi and one Hutu, and they must be approved separately by a two-thirds majority in the lower and upper houses. Governments must include all parties that have won at least 5 percent of the votes cast in parlia-

mentary elections. The current cabinet includes 14 Hutu and 6 Tutsi ministers, and 6 ministers are female.

There are more than two dozen active political parties in the country, ranging from those that champion radical Tutsi positions to those that hold extremist Hutu positions. Most are small in terms of membership. Many Tutsi have now joined formerly Hutu-dominated parties.

Corruption is a significant problem. Some government revenues and expenditures have not been regularly listed on the budget. In August 2007, the head of the Burundi Central Bank was arrested on charges of embezzling \$23 million. Burundi was ranked 158 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech is legally guaranteed and exists in practice, with some limitations. For example, the media have been subject to self-censorship and periodic government censorship. In recent years, the media have presented a wider range of political perspectives, and the opposition press does function, though sporadically. Radio is the main source of information for many Burundians. The government runs the sole television station and the only radio station with national reach, as well as the only newspaper that publishes regularly. The British Broadcasting Corporation (BBC), Radio France Internationale, and the Voice of America are available on FM in the capital. Several private radio stations exist, but they generally have a short broadcast range. Print runs of most newspapers are small, and readership is limited by low literacy levels. Access to the internet remains largely confined to urban areas.

Freedom of religion is generally observed. For many years, the ongoing civil strife and the Tutsi social and institutional dominance impeded academic freedom by limiting educational opportunities for the Hutu, but there are indications that this may be changing under the current government. In March 2008, university students demonstrated to demand an increase in their university allowances.

The constitution provides for freedoms of assembly and association, although past transitional governments occasionally restricted these rights in practice. There is modest but important civil society activity with a focus on the protection of human rights. Constitutional protections for organized labor are in place, and the right to strike is protected by the labor code. The Confederation of Burundi Trade Unions has been independent since its establishment in 1995. Most union members are civil servants and have bargained collectively with the government.

The judicial system is seriously burdened by a lack of resources and training, and by corruption. Given Burundi's recent history, there are far more pending cases than can easily be handled by the current judiciary, and many of them are politically sensitive. The government has yet to establish a special tribunal called for by the United Nations. Many crimes go unreported. According to Amnesty International, conditions in prisons continue to be "subhuman" and at times life-threatening. Despite extensive negotiations and discussions regarding the establishment of some form of broad-based truth commission to address past human rights violations, no such body has yet been created despite the naming of its head. Several national and international human rights organizations have previously criticized the practices of the security services in Burundi and have reported that individuals opposed to the CNDD are particularly at risk of torture or worse. The Constitution's Article 257 mandates that the national security forces must have an equal ethnic balance.

With the improvement in the political environment, many of Burundi's internally displaced and refugee populations began returning home in 2006. According to the Office of the UN High Commissioner for Refugees, more than 300,000 Burundians returned from Tanzania between 2002 and 2008. Since 2004, UNICEF has assisted the demobilization of 3,013 child soldiers. However, in May 2008 more than 200 former child soldiers escaped from detention camps in the town of Gitega and went on a rampage, alleging that they were being neglected. Thousands of others are still in rebel ranks.

Women have limited opportunities for advancement in the economic and political spheres, especially in rural areas. Only 5 percent of eligible females are enrolled in secondary school. Doctors Without Borders received an average of 1,346 complaints of violence against women annually between 2004 and 2006, and a 2007 study by Amnesty International and a Burundian partner organization found that minors are the victims in 60 percent of reported rapes in the country.

## Cambodia

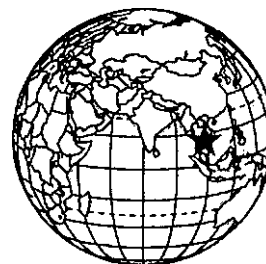
**Population:** 14,700,000

**Capital:** Phnom Penh

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

**Prime Minister Hun Sen and his ruling Cambodian People's Party secured 90 of 123 seats in July 2008 parliamentary elections. International observers said the elections fell short of international standards but were "technically good." Rising food and fuel prices, growing economic disparity, rising unemployment, and corruption were among the top issues for Cambodian voters.**

Cambodia won independence from France in 1953. King Norodom Sihanouk ruled until he was ousted in 1970 by U.S.-backed military commander Lon Nol, and the Chinese-supported Khmer Rouge seized power in 1975. Between 250,000 and two million of Cambodia's seven million people died from disease, overwork, starvation, or execution under the Khmer Rouge before Vietnamese forces toppled the regime and installed a new communist government in 1979. Fighting continued in the 1980s between the Hanoi-backed government and the allied armies of Sihanouk, the Khmer Rouge, and other political contenders. The 1991 Paris Peace Accords brought an end to open warfare, but the Khmer Rouge waged a low-grade insurgency until its disintegration in the late 1990s.

Prime Minister Hun Sen, who first entered government as part of the Vietnamese-backed regime in 1979, dominates Cambodian politics. His Cambodian People's Party (CPP) uses its control of the National Assembly as well as the military, courts, and police to remove and outmaneuver all opposition. For example, to stop opposition leader Sam Rainsy's criticism of government corruption and abuses, the CPP-dominated National Assembly stripped him and fellow Sam Rainsy Party (SRP) legislators of their parliamentary immunity in 2005. Sam Rainsy fled to France and was convicted in absentia for defaming Hun Sen. He returned to Cambodia in 2006, after international pressure led to a negotiated settlement that included a royal pardon and a public apology by Sam Rainsy. Similarly, Hun Sen used a newly passed antiadultery law in 2006 to press charges against Norodom Ranariddh, head of the Funcinpec party. Ranariddh fled to France and was sentenced in absentia to 18 months in prison. Funcinpec also ousted and sued Ranariddh for allegedly embezzling \$3.6 million from the sale of the party headquarters. In recent years, Hun Sen has adopted a divide-and-rule strategy against the opposition by selectively forming coalitions with some parties to outmaneuver others, which has served to fracture and weaken the opposition.

A special tribunal, officially known as the Extraordinary Chambers in the Courts of Cambodia, was established in 2007 to try former Khmer Rouge officials for genocide and other crimes against humanity. The tribunal's launch had been delayed for years by bureaucratic and funding obstacles. It would have \$56.3 million and three years to complete its work, and cases would be decided by majority vote among the five justices, three of whom are Cambodian. The maximum penalty would be life imprisonment, and foreign lawyers could represent defendants. Victims must file complaints to the court as a group. By the end of 2008, five former high-level Khmer Rouge leaders had been charged, marking the first time anyone had faced charges for the atrocities committed by the Khmer Rouge. The accused were former head of state Khieu Samphan, former foreign minister Ieng Sary, former social affairs minister Ieng Thirith, former second-in-command of the Khmer Rouge Nuon Chea, and former chief of the Tuol Sleng prison Kang Kek Ieu (or "Duch"). Khmer Rouge mastermind Pol Pot and his successor, Ta Mok, died before they could be brought to trial. All of the defendants except Ieng Sary appeared before the court and pleaded not guilty in January and February 2008.

In the run-up to parliamentary elections on July 27, 2008, a journalist with long ties to the SRP and his son were shot and killed on July 1 in the capital. Still, there was much less violence and overt government intimidation of journalists and the opposition than in previous elections. Eleven political parties participated, and there were more than 17,000 monitors from local and international organizations. Monitors from the European Union (EU) said the elections fell short of international standards but were "technically good." As in past elections, the CPP was accused of making "consistent and widespread" use of state resources for its campaign efforts, and it dominated the media. The ruling party made substantial gains, taking 90 of the 123 National Assembly seats, up from 73. The SRP took 26 seats, an increase of two; Funcinpec was reduced to just 2, from 26; the Human Rights Party, founded in July 2007, took 3 seats; and the new Norodom Ranariddh Party (NRP) took 2 seats.

Opposition parties rejected the results, citing political intimidation and violence, and alleged that the National Election Committee worked with pro-CPP local authori-

ties to delete potential opposition supporters from the voter rolls, changed polling stations shortly before voting began to confuse opposition supporters, and issued fraudulent forms that allowed people not on the rolls to vote. Nevertheless, with the opposition divided and unproven in the eyes of the electorate, and the country enjoying relative political stability and sustained moderate economic growth, the CPP commanded a measure of credibility despite public frustration with widespread corruption and other problems. The government's strong response to a border dispute with Thailand near the Preah Vihear temple also stirred nationalist sentiment and bolstered support for the CPP. The International Court of Justice had awarded the temple area to Cambodia in 1962.

**Political Rights and Civil Liberties:** Cambodia is not an electoral democracy. The current constitution was promulgated in 1993 by the king, who serves as head of state. The monarchy remains highly revered by the people as a symbol of national unity. Prince Norodom Sihamoni, who has lived abroad for much of his life, succeeded his father, King Norodom Sihanouk, in 2004 after the latter abdicated for health reasons.

The government, consisting of the prime minister and a council of ministers, must be approved by a two-thirds vote in the 123-seat National Assembly. Assembly members are elected by popular vote to serve five-year terms. The upper house of the bicameral parliament, the Senate, has 61 members, of whom 2 are appointed by the king, 2 are elected by the National Assembly, and 57 are chosen by functional constituencies. Senators serve five-year terms.

Prime Minister Hun Sen and the CPP dominate national and local politics through their control of the security forces, officials at all levels of government, and the state-owned media. Voting is tied to a citizen's permanent resident status in a village, township, or urban district, and this status cannot be changed easily. The CPP's strong influence in rural areas, with its presence of party members and control of government officials, gives it an advantage over the opposition SRP, which finds support mainly in urban centers.

Corruption and abuse of power are serious problems, and many high-ranking government officials abuse their positions for private gains. Cambodia was ranked 166 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. Both the World Bank and the International Monetary Fund have found that official corruption is widespread and significantly hinders economic growth. Although the economy has been growing as a result of increased investments in mining, forestry, agriculture, textile manufacturing, tourism, and real estate, among other sectors, these enterprises frequently involve land grabs by the political elite, top bureaucrats, and the military. Growing economic disparity and rising food and fuel prices add to the public's frustrations. Nevertheless, there appears to have been little reform of the country's deeply entrenched corruption and patronage networks since the World Bank designated Cambodia a fragile state in 2006, warning of the government's increasing authoritarian tendencies and deteriorating human rights conditions. With the weak opposition undermined by internecine fighting and international donors prioritizing political stability (as with China, France, and Japan) and issues like human and drug trafficking and terrorism (as with the United States), the regime seems to pay only lip service to the need to improve gov-

ernance and combat corruption. In 2008, the international donor community pledged nearly \$1 billion in assistance to Cambodia.

The government does not fully respect freedom of speech; media controls are largely focused on local broadcast outlets, which are the primary source of information for most Cambodians. There are many newspapers and private television and radio stations, including several owned and operated by the CPP and opposition parties. There are no restrictions on privately owned satellite dishes receiving foreign broadcasts. Print journalists are somewhat freer to criticize government policies and senior officials, but the print media reach only about 10 percent of the population. The internet is fairly free of government control, but access is largely limited to urban centers. Mobile telephone use is spreading rapidly, especially among urban populations, but usage is still lower than in neighboring countries such as Vietnam.

The majority of Cambodians are Theravada Buddhists who can generally practice their faith freely, but discrimination against ethnic Cham Muslims is widespread. The government generally respects academic freedom, although criticism of the state is not well tolerated.

Freedoms of association and assembly are respected by the government to a certain degree because of pressure and scrutiny by international donors. Many civil society groups work on a broad spectrum of issues and offer social services, frequently with funding from overseas donors. Nevertheless, groups that work to advance human rights or assist victims of unlawful land grabs face greater levels of harassment from the state compared to groups that work on social or health issues. Public gatherings, protests, and marches occur and are rarely violent, although the government occasionally uses police and others to intimidate participants.

Cambodia has a small number of independent unions. Workers have the right to strike, and many have done so to protest low wages and poor or dangerous working conditions. However, a lack of resources and experience limits union success in collective bargaining. Union leaders have reported harassment and physical threats.

The judiciary is not independent and is marred by inefficiency and corruption. There is a severe shortage of lawyers, and judges are poorly trained and subject to political pressure from the CPP. Lower courts in particular do not meet basic international standards. Abuse by law enforcement officers, including illegal detention and the torture of suspects, is common. Delays in the judicial process and corruption allow many suspects to escape prosecution. Jails are seriously overcrowded, and inmates often lack sufficient food, water, and health care. Police, soldiers, and government officials are widely believed to tolerate, or to be involved in, the trafficking of guns, drugs, and people, as well as other crimes. A 2006 law requiring military conscription for all men between the ages of 18 and 30 raised international concern given the years of international effort and millions of dollars spent to demobilize the army and remove weapons from society. The government claimed the measure was designed to bolster security, but critics said it was a crude attempt to provide employment for a rapidly growing population.

Discrimination against ethnic Cham Muslims is common. The Chams have come under new suspicion from the ethnic Khmer majority in the wake of Islamist terrorist attacks in Southeast Asia and elsewhere. Extreme poverty and a lack of government assistance have compelled many to seek help from overseas donors. People of Vietnamese descent also face various forms of discrimination and harassment by the

state and society. Upland communities, including many tribal groups, have found their rights infringed or violated as the government and investors take over their land for commercial plantations.

The constitution guarantees the right to freedom of travel and movement. The government generally respects this right, but there have been reports of authorities restricting travel for opposition politicians, particularly during election campaigns. Although the economy continues to grow, the ruling elites often abuse their positions and violate the property rights of others.

Women suffer widespread economic and social discrimination. Females lag behind males in secondary and higher education. Rape and domestic violence are common and are often tied to alcohol and drug abuse by men, as well as weak police attention and hesitation among victims to report these crimes. Women and girls are trafficked inside and outside of Cambodia for prostitution, and the sex trade has fueled the spread of HIV/AIDS. In February 2008, legislation went into effect giving authorities greater power to investigate allegations of trafficking, and international pressure and funding have motivated the government to form a national task force that will bring together government ministers, law enforcement agencies, and international bodies to address the problem. Cambodian law does not explicitly define prostitution as illegal, but police routinely conduct raids in response to international pressure to combat the sexual exploitation of juveniles. In June 2008, about 200 prostitutes publicly protested against police crackdowns in the capital. They alleged unlawful detention and physical and sexual abuse while in custody. Critics of police abuses have also alleged that police use raids to obtain bribes from prostitutes and brothels.

## ↓ Cameroon

**Population:** 18,500,000

**Capital:** Yaounde

**Political Rights:** 6

**Civil Liberties:** 6

**Status:** Not Free



**Trend Arrow:** Cameroon received a downward trend arrow due to the authorities' imposition of additional restrictions on the political opposition and President Paul Biya's increasing centralization of power.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF

### Overview:

President Paul Biya in April 2008 secured a constitutional amendment that removed term limits and allowed him to

**stand for reelection in 2011. The change came as the authorities increased pressure on Anglophone groups, including the opposition Social Democratic Front and the separatist Southern Cameroons National Council, and pursued corruption probes against Biya's potential rivals within the government. Also during the year, a taxi drivers' strike triggered broader protests over rising food and fuel prices, among other complaints.**

Colonized by Germany in the late 19th century, Cameroon was later administered by Britain and France, first as League of Nations mandates after World War I and then as a UN trust territory after World War II. Independence for French Cameroon in 1960 was followed a year later by independence for Anglophone Cameroon, part of which opted for union with Nigeria. The rest joined Francophone Cameroon in a federation, which became a unitary state in 1972.

The country's first president, Ahmadou Ahidjo, oversaw a repressive, one-party system until his resignation in 1982. He was succeeded by Paul Biya, whose Cameroon People's Democratic Movement (CPDM) did not face multiparty legislative elections until 1992. It failed to win an absolute majority, despite a boycott by the main opposition party, the Anglophone-led Social Democratic Front (SDF). Biya was reelected the same year in a vote that was roundly condemned by international observers.

Municipal elections in 1996 saw the CPDM lose control of all major councils in the country. A constitutional revision that year extended the presidential term from five to seven years. Biya won a fourth term in 1997, obtaining 93 percent of the votes cast amid numerous irregularities and a boycott by the main opposition parties. The CPDM led the 1997 legislative elections and the 2002 legislative and municipal elections, which were again tainted by irregularities. Biya secured reelection in 2004 with 75 percent of the vote, and appeals by opposition parties to annul the vote were unsuccessful.

The 2007 legislative and municipal polls followed the existing patterns. Electoral gerrymandering provided the CPDM with significant inroads into the SDF support base, and SDF parliamentary representation decreased from 43 seats in 1997 to 16 seats in 2007. In September 2007, after the elections, Biya dismissed seven cabinet ministers, including three senior ministers who were arrested on corruption charges in 2008. Municipal reruns took place in five municipalities in October 2008, after the Supreme Court annulled the initial results in these areas. The CPDM again dominated the polls.

In January 2008, the governor of Littoral Province banned demonstrations indefinitely in anticipation of opposition to the constitutional amendment. However, a strike in February 2008 by taxi drivers in Douala, located in Littoral Province, spurred antigovernment riots in several cities, including the capital, as people used the opportunity to express grievances with rising food and fuel prices as well as the government's proposal to remove constitutional term limits for the president. These protests were the largest in many years, and the government deployed antiriot forces and police to control the demonstrations. Local human rights groups estimate that approximately 100 people were killed and 1,500 people were arrested.

Biya in April 2008 secured a constitutional amendment that removed the two-term limit for presidents, allowing him to stand for reelection in 2011. In another sign



of a closed political system, the trial of SDF leader John Fru Ndi and 21 other party members, who were accused of murdering another SDF member in 2006, began in August 2008. Some party members had been detained since 2006, and two had died in custody within the past year. Critics have denounced the trial as politically motivated. In November 2008, Fru Ndi along with the other party members were released after the tribunal was unable to reach a judgment.

The last Nigerian troops withdrew from the Bakassi peninsula in August 2008, fulfilling a 2002 ruling by the International Court of Justice (ICJ) that awarded sovereignty over the territory to Cameroon. However, armed groups opposed to Cameroonian rule remained active on the peninsula.

Cameroon has an overwhelmingly poor, mainly agricultural economy. Although the country earned significant debt relief under the International Monetary Fund (IMF)/World Bank Heavily Indebted Poor Countries (HIPC) initiative, the resources released by the program have not been diverted to antipoverty efforts. In 2008, Cameroon began designing another "poverty alleviation program" with the IMF after it failed to complete the Poverty Reduction and Growth Facility (PRGF) program as expected in June 2008, due to the poor implementation of macroeconomic reforms. Cameroon was ranked 144 out of 177 countries in the UN Development Programme's 2007/2008 Human Development Index.

**Political Rights and Civil Liberties:** Cameroon is not an electoral democracy. Although the 1996 constitutional revisions created an upper chamber for the legislature, a decentralized system of regional government, and a Constitutional Court, none of those changes have been implemented. An April 2008 constitutional amendment removed term limits for the president, who had been restricted to two seven-year terms. The president is not required to consult the National Assembly, and the Supreme Court may review the constitutionality of a law only at the president's request. Since 1992, the executive has initiated every bill passed by the legislature. The unicameral National Assembly has 180 seats, 153 of which are held by the ruling CPDM. Members are elected by direct popular vote to serve five-year terms.

Elections in Cameroon have been hampered in part by the lack of an independent electoral commission. The National Elections Observatory (NEO) has little influence, and the Ministry of Territorial Administration and Decentralization effectively controls elections. A new elections commission, Elections Cameroon (ELECAM), was created in December 2006. President Biya eventually appointed the 12 members of the electoral commission in late December 2008, although 11 out of the 12 members are CPDM loyalists. In response, the SDF has launched legal action contesting the body's impartiality.

There are more than 180 recognized political parties in Cameroon, although Biya's CPDM and the Anglophone-led SDF are dominant. The Anglophone-Francophone linguistic divide constitutes the country's most volatile political fault line. Since independence, an Anglophone has been appointed to the important finance, defense, or territorial administration cabinet portfolios. Continued marginalization is fueling a campaign for Anglophone independence, led by the Southern Cameroons National Council (SCNC).

Despite some high-profile convictions of former regime officials, corruption re-

mains endemic. Biya's many years in power and the large number of cabinet ministries have encouraged cronyism, with members of Biya's Beti ethnic group dominating key positions. Cameroon signed on to the Extractive Industries Transparency Initiative (EITI) in September 2007, but revenues from the oil, gas, and mining sectors are not openly reported. A constitutional provision requiring all top civil servants to declare their assets before and after leaving office has been ignored. Cameroon was ranked 141 out of 180 countries in Transparency International's 2008 Corruption Perceptions Index and 164 out of 181 countries in the World Bank's 2009 Doing Business index.

In early 2008, several senior government officials were investigated on charges of corruption linked to the purchase of a presidential aircraft in 2004. The affair has led to speculation that Prime Minister Ephraim Inoni may come under investigation, which could lead to a major government reshuffle in 2009. The opposition has argued that the anticorruption campaign is being used to eliminate potential presidential challengers.

The constitution guarantees free speech, but genuine freedom of expression remains elusive. Although the 1996 constitution ended prepublication censorship, the charter's Article 17 restricts free expression by giving officials the power to ban newspapers based on a claimed threat to public order. There are no legal provisions guaranteeing equal access to information, and libel and defamation remain criminal offenses. Judicial harassment, arrests, detentions, and torture of journalists have engendered fear and self-censorship. While private radio and television stations operate, and dozens of independent newspapers are published, the lack of structural and editorial independence at the state-owned *Cameroon Tribune* and Cameroon Radio & Television (CRTV) has transformed them into propaganda organs of the ruling party. The pattern of media repression continued in 2008 with the arrests of six journalists. In September 2008, a well-known singer-songwriter and SDF member, Pierre Roger Lambo Sandjo, alias Lapiro de Mbanga, received a three-year prison sentence for allegedly inciting the February 2008 rioting. The private television and radio stations, Equinoxe Television, Radio Equinoxe, and Magic FM, were also closed down as a result of critical reporting on the government's crackdown on the February demonstrations. The government has not attempted to restrict or monitor internet communications.

Freedom of religion is generally respected. Although there are no legal restrictions on academic freedom, state security informants operate on university campuses, and many professors exercise self-censorship.

The requisite administrative authorization for public meetings is often used to restrict freedoms of assembly and association. Meetings of the banned SCNC are routinely disrupted. In October 2008, the chairman of the SCNC, Chief Ayamba Ette Otun, and 24 other members were arrested during a meeting. In December 2008, Cameroonian police violently cracked down on a peaceful demonstration against alleged government corruption. Authorities arrested nine members of the organization that led the demonstration, including its president, along with two journalists. Trade union formation is permitted, but it is subject to numerous restrictions and government interference.

The judiciary is subordinate to the Ministry of Justice, and the courts are weakened by extensive political influence and corruption. Military tribunals exercise ju-

risdiction over civilians in cases involving civil unrest or organized armed violence, and various intelligence agencies operate with impunity. Torture, ill-treatment of detainees, and indefinite administrative or pretrial detention are routine. The absence of habeas corpus as a fundamental principle in Francophone civil law further undermines due process. In the north, traditional rulers (*lamibee*) operate their own private militias, courts, and prisons, which are used against the regime's political opponents. The Human Rights Commission, created by the government in 1992, has yet to publish a single report.

Slavery reportedly persists in parts of the north, and indigenous groups and ethnic minorities, particularly the Baka (Pygmies), face discrimination. Many laws contain gender-biased provisions and penalties. There is widespread violence and discrimination against women, who often are denied inheritance and property rights. Female genital mutilation is practiced in the Southwest and Far North provinces, and homosexuality is illegal. Cameroon is a market for child labor and a transit center for child trafficking. Abortion is prohibited except in cases of rape or to preserve the life of the mother.

## Canada

**Population:** 33,300,000

**Capital:** Ottawa

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

The Conservatives scored gains in Canada's national elections in October 2008, though the margin of victory fell short of a majority. Prime Minister Stephen Harper suspended Parliament in December, thereby postponing a vote of confidence that his Conservative government was likely to lose. The country also continued to face controversies over freedom of expression during the year with *the* investigation of journalists who had written commentaries critical of Muslims and minority groups.

Colonized by French and British settlers in the 17th and 18th centuries, Canada was secured by the British Crown under the terms of the Treaty of Paris in 1763. After granting home rule in 1867, Britain retained a theoretical right to override the Canadian Parliament until 1982, when Canadians established complete control over their own constitution.

After a dozen years of center-left Liberal Party rule, the Conservative Party

emerged from the 2006 parliamentary elections with a plurality and established a fragile minority government. The Conservatives' status was weakened, however, in 2007 by setbacks in several provincial elections, most notably in Ontario. The Conservative provincial government there had advocated expanding state assistance for religious schools to include a variety of faiths; state aid had long been restricted to schools operated by the Roman Catholic Church. The electorate apparently rejected the proposal, dealing the Conservatives a major blow at the polls.

The Conservative Party rebounded in October 2008 national elections, gaining 19 seats in Parliament for a total of 143, although the margin of victory still fell short of a majority. The Liberal Party, the principal opposition party, lost 26 seats for a total of 77. The Liberals subsequently formed an alliance with the social democratic New Democratic Party (NDP) and the Quebec-based Bloc Quebecois, in an attempt to displace the Conservatives with a coalition government. Prime Minister Stephen Harper, the leader of the Conservative Party, suspended Parliament in December to prevent a confidence vote, which his government was likely to lose.

Meanwhile, advocates of press freedom and freedom of expression have grown increasingly concerned over legal cases filed against journalists who wrote critically about Muslims and Islam, as well as other minority groups. In one case, four Muslim law students filed a grievance in 2006 against Mark Steyn, a columnist, and *Maclean's*, a prominent magazine, in response to a 2006 article featuring the argument that Muslims would eventually dominate the world due to current demographic trends. In another case, charges were brought by a Muslim leader in February 2006 against the publisher of the *Western Standard* after the newspaper republished controversial Danish cartoons that had lampooned the prophet Muhammad. The federal human rights commission also began proceedings in October 2008 against Jim Pankiw, a former member of Parliament from Saskatchewan, for material he had included in mailings to constituents that was allegedly offensive to indigenous Canadians. Journalists' associations and press freedom organizations have argued that the willingness of government entities to give such complaints a hearing could send disturbing signals about the freedom to publish articles on certain contentious subjects.

Since the 2001 terrorist attacks on the United States, Canada has struggled to find a balance between ensuring the country's security and safeguarding civil liberties. A number of laws adopted soon after the 2001 attacks have been modified or struck down by the courts. While Canada itself has not been the victim of a terrorist attack in recent years, Canadian citizens have been arrested in the United States and elsewhere on charges of conspiring to commit such attacks. In May 2008, the Supreme Court determined that the United States violated the rights of Omar Khadr, a Canadian who had been held at the Guantanamo Bay prison facility since the age of 15. The court rebuked the Canadian government for having allowed its intelligence agents to interview Khadr and share information with U.S. officials. In October 2008, an inquiry led by a former Supreme Court justice found that Canadian officials had acted improperly by providing inflammatory information to the United States about three Canadian citizens. The three, all Muslims, were detained and tortured during visits to Syria.

Debate intensified in 2007 over Canadian troops' participation in a NATO-led mission to fight a resurgent Taliban militia in Afghanistan. Canadian forces have

suffered a number of casualties during the conflict, and critics noted that Canada's troops were fighting in Afghanistan's volatile southern provinces while a number of other NATO countries restricted their forces to noncombat missions in the relatively peaceful north. In January 2008, the government announced its intention to extend its mission in Afghanistan to 2011, but added a condition that the commitment would be fulfilled only if at least one other NATO country assigned 1,000 or more troops to the violent province of Kandahar. The policy was endorsed in a parliamentary vote, with the support of the Liberal opposition but not other opposition parties.

### **Political Rights and Civil Liberties:**

Canada is an electoral democracy. The country is governed by a prime minister, a cabinet, and Parliament, which consists of an elected 308-member House of Commons and an appointed 105-member Senate. Senators may serve until age 75, and elections for the lower house have been held at least every five years. However, a law enacted in 2007 stipulated that lower-house elections would be held every four years, with early elections called only if the government lost a parliamentary no-confidence vote. The British monarch remains head of state, represented by a ceremonial governor-general who is appointed on the advice of the prime minister. As a result of government canvassing, Canada has nearly 100 percent voter registration. Prisoners have the right to vote in federal elections, as do citizens who have lived abroad for fewer than five years. However, voter turnout in the 2008 election, at 60 percent, was one of the lowest in Canadian history. Political parties operate freely. The main parties are the Conservative Party, the Liberal Party, the Bloc Quebecois, and the NDP.

Civil liberties have been protected since 1982 by the federal Charter of Rights and Freedoms, but are limited by the constitutional "notwithstanding" clause, which permits provincial governments to exempt themselves with respect to individual provisions in their jurisdictions. Quebec has used the clause to retain its provincial language law, which restricts the use of languages other than French on signs. The provincial governments exercise significant autonomy.

In 2004, the Supreme Court upheld legislation that places a limit on the amount lobbying groups can spend on advertisements that support or oppose political candidates, a measure designed to prevent corruption. While Canada has a reputation for vigorous prosecution of corruption involving public officials, the country has endured several high-profile scandals in recent years. Nonetheless, Canada is regarded as a society with a low level of official corruption. Canada was ranked 9 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, the best ranking among countries in the Americas.

The media are generally free, although they exercise self-censorship in areas such as violence on television, and there is concern that this tendency may also apply to coverage of the country's minority groups, especially Muslims. Limitations on freedom of expression range from unevenly enforced "hate laws" and restrictions on pornography to rules on reporting. Some civil libertarians have expressed concern over an amendment to the criminal code that gives judges wide latitude in determining what constitutes hate speech on the internet. Nevertheless, recent judicial decisions have restricted the authority of the government to demand that reporters turn over their research materials and interview notes or reveal the identity

of confidential sources. In recent years, press freedom advocates have expressed concern over legal cases filed against journalists who wrote critically about Muslims and Islam.

There is a high degree of media concentration. In 2008, the Canadian Radio-Television and Telecommunications Commission set forth a new policy designed to lessen excess concentration. Critics, however, complained that the regulations would have little impact on media concentration because they did not deal with media mergers that had already been put into effect.

Religious expression is free and diverse. Academic freedom is respected.

Freedom of assembly is respected, and many political and quasi-political organizations function freely. Trade unions and business associations enjoy high levels of membership and are free and well organized.

The judiciary is independent. Recently, critics have complained that the judiciary has become overly activist, issuing decisions that effectively usurp the powers of the legislature. Canada's criminal law is based on legislation enacted by Parliament; its tort and contract law is based on English common law, with the exception of Quebec, where it is based on the French civil code. While Canada's crime rate is low by regional standards, it has experienced a growing problem from the growth of criminal gangs, often involved in the illegal drug trade.

Canada maintains relatively liberal immigration policies. However, concern has mounted over the possible entry into Canada of immigrants involved in terrorist missions. The 2002 Immigration and Refugee Protection Act seeks to continue the tradition of liberal immigration by providing additional protection for refugees while making it more difficult for potential terrorists, people involved in organized crime, and war criminals to enter the country. Some officials have also raised questions about Canada's rules allowing immigrants to maintain dual citizenship. About 10 percent of foreign-born Canadians hold passports from another country, leading critics to charge that some immigrants use Canadian citizenship primarily as a safety net while maintaining principal loyalty to their country of origin. Others have objected more broadly to Canada's policies of multiculturalism in education, law, and social life. At the same time, defenders of immigrant rights have complained of policies that favor potential immigrants with higher levels of skills and academic credentials over those who come from more impoverished backgrounds.

The authorities have taken important steps to protect the rights of native groups, although some contend that indigenous people remain subject to discrimination. Indigenous groups continue to lag badly on practically every social indicator, including those for education, health, and unemployment. There are frequent controversies over control of land in various provinces.

The country boasts a generous welfare system that supplements the largely open, competitive economy.

Women's rights are protected in law and practice. Women have made major gains in the economy and are well represented in such professions as medicine and law. Following the October 2008 election, women held 22 percent of seats in Parliament. However, women's rights advocates report high rates of violence against women in indigenous communities. Canada in 2005 became one of the few countries in the world to legalize same-sex marriage.

## Cape Verde

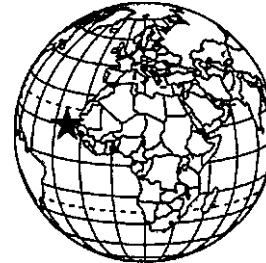
**Population:** 500,000

**Capital:** Praia

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**Cape Verde continued its cooperation with the European Union (EU) in 2008, agreeing to several steps aimed at curtailing illegal migration in return for improved guest-worker access to certain EU member states. Also during the year, the country formally joined the World Trade Organization.**

After achieving independence from Portugal in 1975, Cape Verde was governed for 16 years as a Marxist, one-party state under the African Party for the Independence of Guinea and Cape Verde, later renamed the African Party for the Independence of Cape Verde (PAICV). In 1991, the country became the first former Portuguese colony in Africa to abandon Marxist political and economic systems, and the Movement for Democracy (MPD) won a landslide victory in the first democratic elections that year. In 1995, the MPD was returned to power with 59 percent of the vote. President Antonio Mascarenhas Monteiro's mandate ended in 2001, after he had served two terms.

Cape Verde had a spectacularly close presidential election in 2001. In the second round of voting, PAICV candidate Pedro Verona Rodrigues Pires defeated ruling party contender Carlos Alberto Wahnnon de Carvalho Veiga by 13 votes, overturning a decade of MPD rule. Despite the closeness of the election, the results were widely accepted.

In legislative elections in January 2006, the PAICV won a majority of the 72 seats in the National Assembly, taking 41 compared with the MPD's 29; the Democratic and Independent Cape Verdean Union, a smaller opposition party, won the remaining two seats. Pires won a new five-year mandate in the presidential election that followed in February, taking 51.2 percent of the vote. His closest rival, Veiga, claimed that the results were fraudulent, but they were endorsed by international election monitors.

In June 2007, Cape Verde's parliament unanimously passed new electoral code provisions aimed at strengthening the National Electoral Commission's transparency and independence. Voter registration for municipal elections held in May 2008 marked the debut of a biometric electoral registry, the first such biometric database in the country. The opposition MPD won a marginal victory in the elections, collect-

ing a total of 92,117 votes to the PAICV's 87,435, and capturing 11 out of 22 municipalities, including the capital.

Large numbers of migrants from other African countries continued to stop in Cape Verde while trying to reach Europe. In 2007, authorities apprehended and repatriated several hundred would-be migrants. The government also announced that it would seek to negotiate exemptions from clauses guaranteeing free circulation and migration between members of the Economic Community of West African States (ECOWAS), to which Cape Verde belonged. Also in 2007, the European Union (EU) agreed to enhance its support for economic development in Cape Verde, while aiming to turn the archipelago into a shield against traffickers of migrants and illegal drugs by opening up its waters to EU security agencies' patrols and intelligence gathering. In June 2008, Cape Verde and the EU signed an agreement under which Cape Verdeans would have easier access to signatory EU member states, in particular for seasonal work, while Cape Verde would undertake specific commitments to contain illegal migration to Europe.

Cape Verde, along with other parts of West Africa, is increasingly serving as a major transit point for narcotics trafficking between Latin America and Europe. In December 2007, a convicted drug trafficker who was collaborating with authorities was murdered in prison by another inmate, in what was alleged to be a professional hit organized by drug traffickers, the U.S. State Department reported. According to data cited by the Associated Press in 2008, Cape Verdean passport-holders account for 25 percent of all West African drug traffickers arrested in Europe.

Cape Verde lacks significant natural resources and suffers from persistent drought, and only 11 percent of the archipelago's land is arable. However, the economy has benefited from high levels of remittances from Cape Verdeans living overseas, a boom in service-oriented industries, and increasing tourism. Economic growth in recent years has averaged 7 percent, nearly double the West African average, and in 2007 a government reproductive health official announced that Cape Verde's fertility rate had decreased by half over the past 20 years. Also that year, Cape Verde graduated from the United Nations' category of Least Developed Countries, becoming a Medium Developed Country. (Cape Verde is the second country globally to make this transition, following Botswana in 1994.) The country continued to suffer from unemployment rates of roughly 20 percent, however, along with growing income inequality. In June 2008, Cape Verde became a member of the World Trade Organization, capping nine years of negotiations. In July, the UN International Fund for Agricultural Development (IFAD) announced plans to provide a \$4.2 million loan for rural poverty reduction, with total IFAD spending to reach \$13.5 million.

### **Political Rights and Civil Liberties:**

Cape Verde is an electoral democracy. The president and members of the 72-seat National Assembly are elected by universal suffrage for five-year terms. The prime minister, who nominates the other members of the cabinet, is himself nominated by the National Assembly and appointed by the president. International observers considered the 2006 presidential and legislative elections to be free and fair.

The left-leaning PAICV has dominated Cape Verde for much of its postindependence history. The main opposition party is the centrist MPD. The only



other party to hold seats in the National Assembly is the much smaller Democratic and Independent Cape Verdean Union.

While the actual toll of corruption is difficult to gauge, the country has repeatedly been singled out by donor nations and international organizations for good governance. The U.S. government gave the country a vote of confidence in 2005 by agreeing to provide \$ 110 million in aid from the Millennium Challenge Account, based on a positive evaluation of its governance and anticorruption initiatives. The U.S. State Department reported in 2008 that police corruption was not significant. Cape Verde was ranked 47 out of 180 countries in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is legally guaranteed and generally respected in practice. While government authorization is needed to publish newspapers and other periodicals, there were no reports of licenses being denied or revoked in 2008. The independent press is small but vigorous, and there are several private and community-run radio stations. State-run media include a radio broadcaster and a television station. Licenses were issued to four private television stations in 2007, but only two were operating as of 2008. The government did not impede or monitor internet access.

Religious freedom is respected in practice, and the constitution requires the separation of church and state. However, the vast majority of Cape Verdeans belong to the Roman Catholic Church, whose followers enjoy a somewhat privileged status. Academic freedom is respected.

Freedoms of assembly and association are legally guaranteed and respected in practice. Nongovernmental organizations operate freely. The constitution also protects the right to unionize, and workers may form and join unions without restriction. The U.S. State Department has found in its annual human rights report that while collective bargaining is permitted, it rarely occurs.

The judiciary is independent but understaffed and slow-moving, and cases are frequently delayed. In May 2007, National Assembly president Aristides Lima acknowledged that the judicial police force lacks funding and is unable to cover the entire country. Prison conditions are poor and characterized by overcrowding. Police beatings of detainees have been reported; in December 2005, prison guards reportedly abused inmates at the Sao Martinho Prison following a riot in which a prisoner was killed.

Ethnic divisions are not a salient problem in Cape Verde, although tensions occasionally flare between the authorities and West African immigrants.

Three new female members of parliament were elected in 2006, bringing the postelection total of women legislators to 11. The government amended the penal code in 2004 to include sex crimes and verbal and mental abuse against women and children as punishable acts. Nonetheless, the government did not effectively enforce the law, according to the U.S. State Department. The government is a signatory to the African Protocol on the Rights of Women, which came into force in 2005. The protocol seeks to set international legal standards for women's rights, such as the criminalization of female genital mutilation and the prohibition of abuse of women in advertising and pornography. However, despite legal prohibitions, violence and discrimination against women remain widespread.

# Central African Republic

**Population:** 4,400,000

**Capital:** Bangui

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	3,4PF	5,5PF	5,5PF	7,5NF	6,5NF	5,4PF	5,4PF	5,5PF	5,5PF

### Overview:

The government of the Central African Republic signed a comprehensive peace agreement in June 2008 with the two main rebel groups. However, one of them, the Army for the Restoration of the Republic and Democracy (APRD), and a coalition of opposition parties subsequently pulled out of the peace process, objecting to the agreement's amnesty provisions. APRD rebels clashed with government forces in the north in September, and attacks by Chadian rebels on northern border villages continued during the year. In December, peace talks resumed when President Francois Bozize and rebel and opposition leaders agreed on the establishment of an interim consensus government until the 2010 presidential elections.

The Central African Republic (CAR) gained independence from France in 1960 after a period of brutal colonial exploitation. Colonel Jean-Bedel Bokassa seized power from President David Dacko in a 1966 coup, but his erratic and destructive rule ended in 1979, when French forces helped to restore Dacko to power. Dacko was then deposed by General Andre Kolingba in 1981.

Mounting political pressure led Kolingba to introduce a multiparty system in 1991, and Ange-Felix Patasse, leader of the Movement for the Liberation of the Central African People (MLPC), was elected president in 1993. He later faced opposition from civil servants over salary arrears and from military officers over perceptions of ethnic favoritism, leading to three attempted coups between 1996 and 1997 that were quelled with French assistance. French forces were replaced by African peacekeepers in 1997, and the United Nations took over peacekeeping duties the following year.

Patasse won a second six-year term in 1999 elections. International observers judged the vote to be relatively free, although they were criticized by Kolingba and other candidates, and irregularities were reported. UN peacekeepers withdrew in 2000, and while Patasse survived a coup attempt by Kolingba in 2001, he was overthrown by General Francois Bozize in 2003, allegedly with backing from Chadian president Idriss Deby.

Bozize eventually initiated a transition to civilian rule, and voters overwhelmingly approved a new constitution in December 2004. With an independent electoral

commission officiating, Bozize ran for president as an independent with the backing of the National Convergence Kwa Na Kwa (KNK) coalition, winning 65 percent of the vote in a May 2005 runoff against MLPC candidate Martin Ziguèle. The KNK won 42 of 105 seats in the National Assembly, securing a majority with the help of several smaller parties and independents. The MLPC, the second-largest grouping, won just 11 seats.

In early 2005, the rebel Army for the Restoration of the Republic and Democracy (APRD), supported by forces loyal to Patasse, launched an insurgency in the northwest. In the northeast, another conflict erupted between the government and the Union of Democratic Forces for Unity (UFDR), consisting of former Bozize supporters and members of the largely Muslim Gula ethnic group. Destructive rebel assaults on Birao and other towns continued through 2006, and in early 2007, the Central African People's Democratic Front (FDPC) launched another insurgency in the northwest. The Bozize regime concluded peace agreements with the FDPC in February and the UFDR in April. In September, the new UN Mission in the Central African Republic and Chad (MINURCAT) began providing security, police training, and judicial reform assistance, and a European Union peacekeeping force (EUFOR), expected to consist of 3,700 troops, was authorized to provide general security for civilians.

In March and April 2008, clashes erupted between the government and the APRD, but the two sides signed a peace agreement on May 9. The government, the APRD, and the UFDR signed a consolidated peace accord on June 21, though the FDPC representative was not present to sign it. By August 1, the APRD and a coalition of five opposition parties had pulled out of the peace process, criticizing the amnesty provisions called for in the comprehensive accord. Fighting between the APRD and the government resumed in early September. Despite the objections, the National Assembly on September 29 passed an amnesty law providing government and rebel forces with immunity for abuses committed after March 15, 2003. In early October, a splinter group of the UFDR attacked the northeastern town of Am Dafok, near Birao. Nevertheless, peace talks resumed in December, when President Bozize and rebel and opposition leaders agreed on the establishment of an interim consensus government to lead the country until the next presidential elections are held in 2010.

Separately, raids by bandits, the Chadian army, and Darfur rebels further terrorized civilian populations during 2008. Human Rights Watch asserted in March that there had been at least five separate raids by Chadian soldiers into northern CAR since January, possibly with the backing of the CAR government, in retaliation for local support for the APRD. A Ugandan rebel group, the Lord's Resistance Army, launched raids into southeastern CAR in February.

Despite the country's abundant natural resources, some 80 percent of the population relies on subsistence agriculture. Decades of conflict and poor governance have led to economic and social collapse. However, over the past several years, the CAR has received increasing humanitarian assistance, and in September 2007, it became eligible for debt relief under the World Bank and International Monetary Fund's Highly Indebted Poor Countries Initiative. In October 2008, a Common Humanitarian Fund was established to facilitate the transfer of donor funds to critical humanitarian and infrastructure projects; several European states have already pledged some \$2.3 million.

### Political Rights and Civil Liberties:

The CAR is not an electoral democracy. Although presidential and parliamentary elections were held in 2005, they were marked by some irregularities and were criticized by opposition candidates as unfair. The president, who is limited to two five-year terms, appoints the cabinet and dominates the legislative and judicial branches. Members of the unicameral, 105-member National Assembly are elected by popular vote for five-year terms. Though the KNK coalition is the country's leading political force, other parties operate freely, including the MLPC and Andre Kolingba's Central African Democratic Assembly. Following the 2005 elections, seven parties were represented in the National Assembly, along with 34 independents.

Corruption remains pervasive, despite some steps toward reform in recent years. Diamonds constitute about half of the country's export earnings, but a large percentage are thought to circumvent official channels, and there is speculation that conflict diamonds from the neighboring Democratic Republic of Congo are laundered in the country. The CAR was ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government generally respects the right to free speech, but many journalists practice self-censorship. Although many press offenses, including defamation and slander, were decriminalized in 2005, it is still a crime to broadcast information that could incite ethnic or religious tension or is considered to be "false;" two journalists have since been prosecuted for such offenses. In early 2007, Michel Alkhaly-Ngady, editor of the *Temps Nouveaux* newspaper and head of a print media union, was jailed for two months for criticizing a government decision about another paper's news coverage. In January 2008, the editor of the private weekly *Les Collines de l'Oubangui*, Faustin Bambou, was arrested over an article that accused two government ministers of corruption. He served six weeks of a six-month sentence before President Francois Bozize pardoned him in February. According to the U.S. State Department, laws providing journalists with access to information do not specifically guarantee access to government information. Insecurity prevents journalists from traveling freely outside the capital. The state dominates the broadcast media, but some private radio stations exist, including a Roman Catholic station and a UN-supported station. Several private papers offer competing views, but they have limited influence due to low literacy levels and high poverty rates. There are no restrictions on the internet, although it is estimated that as of 2007, less than 1 percent of the population was able to access this resource.

The constitution guarantees religious freedom. However, the government prohibits activities that it considers subversive or fundamentalist, and the constitution bans the formation of religious-based parties. Academic freedom is generally respected.

Freedoms of assembly and association are constitutionally protected and generally upheld in practice. However, permission is required to hold public meetings and demonstrations; authorities sometimes deny such requests for alleged security reasons to avoid ethnic or religious tensions. Insecurity in the north continues to hinder the operations of aid groups. In March 2008, the French organization Doctors Without Borders (MSF) curtailed its activities in the northeastern Vokaga province after the shooting death of a woman in one of its ambulances.

All associations must register with the Interior Ministry. The rights to unionize and strike are constitutionally protected and generally respected. However, only a small

percentage of workers are unionized, primarily those in the public sector. A general strike over back pay for civil servants in January 2008 triggered the resignation of Prime Minister Elie Dote and his government; he was replaced by Faustin-Archange Touadera.

Corruption, political interference, and lack of training undermine the judiciary. Judges are appointed by the president, and proceedings are prone to executive influence. Limitations on searches and detention are often ignored. While the penal code prohibits torture, police brutality remains a serious problem. Prison conditions are poor. The military and members of the Presidential Guard have committed human rights abuses, including extrajudicial killings, with impunity.

Members of northern ethnic groups, especially Bozize's Baya group, hold all key positions in the government and the military, and discrimination against indigenous ethnic groups, such as the Aka, persists. Insecurity restricts the movement of citizens and greatly undermines the protection of private property.

Constitutional guarantees for women's rights are not enforced, especially in rural areas. Violence against women is common, with instances of rape widespread in conflict areas. Female genital mutilation has been illegal since 1996 and is reportedly diminishing in practice. Abortion is prohibited in all circumstances. The U.S. State Department considers the CAR to be a source, transit, and destination country for human trafficking. The laws do not specifically criminalize trafficking, though antitrafficking legislation was drafted in 2006. There are reports that rebel groups have used child soldiers, and that the army has used child labor, but there is no national law criminalizing these practices.

## Chad

**Population:** 10,100,000

**Capital:** N'Djamena

**Political Rights:** 7

**Civil Liberties:** 6

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	7,6NF	7,6NF

### Overview:

In early February 2008, a coalition of three rebel groups attacked the capital, prompting the government to impose a state of emergency and arrest top opposition politicians.

Clashes broke out again in eastern Chad in April, June, and August, and tensions remained high at year's end. The insecurity forced many humanitarian organizations to cease operations, and as many as 180,000 Chadians were internally displaced during the year. Chad was also home to some 250,000 refugees from Sudan and 50,000 from the Central African Republic.

Since gaining independence from France in 1960, Chad has been beset by civil conflict and rebellions. Hissene Habre seized control in 1982 and led a one-party dictatorship characterized by widespread atrocities against individuals and ethnic groups perceived as threats to the regime. In 1989, Idriss Deby, a military commander, launched a rebellion against Habre from Sudan. With support from Libya and no opposition from French troops stationed in Chad, Deby overthrew Habre in 1990.

Deby won a presidential election held under a new constitution in June 1996 despite the ongoing threat of rebel insurgencies. In 1997 legislative elections, Deby's Patriotic Salvation Movement (MPS) party won 65 of the 125 seats. International observers charged that both elections were marred by irregularities.

Deby was reelected president in 2001, and the six opposition candidates were briefly detained for alleging that the election results were fraudulent. The MPS secured 110 seats in the recently enlarged, 155-seat National Assembly during the 2002 legislative elections, which were boycotted by several opposition parties. Voters approved the elimination of presidential term limits in a June 2005 constitutional referendum, although the balloting featured irregularities and the government cracked down on the media during the campaign.

Security forces, assisted by French intelligence and air support, repelled an April 2006 attack on the capital by the United Front for Change (FUC) rebel group. The May presidential election was then held on schedule despite an opposition boycott, and Deby secured a third term with just under 65 percent of the vote. The military, again with French support, launched a new assault on rebel forces in September 2006, and the fighting led many aid organizations to withdraw staff from the region. In November, the government declared a six-month state of emergency for the capital and most of the east, including a ban on media coverage of sensitive issues.

By late 2006, there were about 300,000 internally displaced Chadians and refugees from Sudan and the Central African Republic (CAR) in the country, and the number continued to grow. Several hundred Chadians were killed in March 2007 attacks that the government attributed to Sudanese and Chadian Arab militias. In September, the UN Security Council established the UN Mission in the Central African Republic and Chad (MINURCAT) to assist with police training, judicial reform, and security inside refugee camps. A European Union military force (EUFOR), expected to consist of 3,700 troops, would provide general civilian security. The government and four rebel groups reached an agreement to end fighting in early October 2007, but renewed clashes soon erupted between the government and FUC rebels, prompting another state of emergency in the north and east in November. At year's end, the ongoing fighting involved several rebel groups, including the FUC, the Union of Forces for Democracy and Development (UFDD) (which later absorbed the FUC), and the Rally of Forces for Change (RFC).

On February 2 and 3, 2008, a 2,000-strong coalition of the UFDD, the RFC, and the UFDD-Fundamental—a recently-formed UFDD splinter group—attacked the capital. Deby's regime responded harshly, beginning with the February 3 arrests of three prominent opposition politicians—Lol Mahamat Choua, Ngarjely Yorongar, and Ibni Oumar Mahamat Saleh. The government and rebels agreed to a ceasefire several days later, and by February 11, the rebels had begun to withdraw to the east. Deby nonetheless declared a state of emergency between February 14 and March

15, on top of a countrywide curfew imposed after the clashes. The new order suspended due process rights and tightened already harsh media restrictions.

Human rights groups accused the regime of extrajudicial detention and killing of suspected rebels, their supporters, and members of the Goran ethnic group, some of whom were involved in the coup attempt. As many as 135 rebels were captured during the attack, including juveniles; there was no information on the whereabouts of these detainees by the end of the year, according to the U.S. State Department's 2008 human rights report. Amid international condemnation of the opposition arrests, Choua was released from custody on February 14 and placed under house arrest on February 26. Yorongar was released on February 21 and ultimately received asylum in France. It was revealed in September that Saleh had died shortly after arrest. The state of emergency was lifted on March 15.

In April, a reorganized coalition of rebels known as the National Alliance (NA) and headed by UFDD leader Mahamat Nouri began a new series of attacks in the east. It struck several eastern towns in June, causing the Office of the UN High Commissioner for Refugees (UNHCR) to temporarily suspend operations in the area. Further clashes broke out in mid-August.

A government committee established at the behest of French president Nicolas Sarkozy to investigate the February coup attempt and aftermath concluded in September that the violence had killed roughly 1,000 people and injured as many as 2,000. Meanwhile, insecurity in the region continued to displace thousands of civilians. By October, as many as 180,000 Chadians were internally displaced, and there were also some 250,000 Sudanese refugees and 50,000 CAR refugees in Chad.

Deby and Sudanese president Omar al-Bashir continued to trade accusations in 2008 that one was supporting rebels on the other's territory. Despite a May 2007 agreement intended to stop cross-border raids, al-Bashir cut diplomatic ties with Chad in May 2008 following a rebel attack on Khartoum that al-Bashir accused Deby of supporting. The two leaders met again in July, when al-Bashir agreed to restore ties.

In January 2008, a French court sentenced six French nationals from the relief organization Zoe's Ark to eight years in prison for attempting to send 103 supposed Darfuri orphans to France via Chad in 2007. The six had been arrested in Chad in October 2007 and sentenced to eight years of hard labor in December, but they had then been returned to France. Separately during the year, preparations continued in Senegal for the trial of Habre, who lived in exile in Senegal but was charged in Belgium in 2005 with crimes against humanity dating to his presidency. Senegal's parliament amended the constitution in April 2008 to allow the national courts to hear cases of past human rights abuses.

Chad remains mired in poverty despite oil revenues expected to total \$1.4 billion in 2008. In September 2008, the World Bank withdrew from a project launched in 2001 in which the bank financed development of the oil sector and Chad agreed to invest the revenue in poverty-alleviation projects. The Chadian government had repeatedly sought greater control over revenues, and the bank suspended loans for half of 2006 due to breaches of the agreement.

### **Political Rights**

#### **and Civil Liberties:**

Chad is not an electoral democracy. The country has never experienced a free and fair transfer of power through elections. The president is elected for five-year terms, and a 2005

constitutional amendment abolished term limits. The last presidential election was held in 2006, shortly after a rebel assault on the capital, despite calls for a postponement. Many opposition members boycotted the election, which was reportedly marred by irregularities, and voter turnout may have been as low as 10 percent in some areas. The executive branch dominates the judicial and legislative branches, and the president appoints the prime minister. The unicameral National Assembly consists of 155 members elected for four-year terms. The last legislative elections, in 2002, also featured widespread irregularities. In August 2007, government and opposition leaders agreed to postpone the next legislative elections until 2009. The accord mandated that future votes be overseen by the Independent National Electoral Commission (CENI), composed of 15 members from the governing party and 15 from the opposition.

There are over 70 political parties, although a number were created by the government to divide the opposition. Only the ruling MPS has significant influence. Despite rivalries within President Idriss Deby's northeastern Zaghawa ethnic group, members of that and other northern ethnic groups continue to control Chad's political and economic levers, causing resentment among the country's more than 200 other ethnic groups.

Corruption is rampant within Deby's inner circle. Weaknesses in revenue management and oversight facilitate the diversion of oil revenues from national development projects to private interests as well as growing military expenditures, which amount to at least 12 percent of the budget. Chad was ranked 173 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is severely restricted, and self-censorship is common. In response to the 2008 coup attempt, the government imposed a new press law, Decree No. 5, on February 20. It increased the maximum penalty for false news and defamation to three years in prison, and the maximum penalty for insulting the president to five years. It also requires permission from both the prosecutor's office and the High Council of Communication (HCC), Chad's media regulatory body, to establish a newspaper; previously it was only necessary to register with the Ministry of Commerce. The HCC also banned reporting on the activities of rebels or any other information that could harm national unity. The International Federation of Journalists reported that the repressive media environment caused at least 10 journalists to go into hiding or flee the country during the year. The government on March 20 revoked the accreditation of a Radio France International and Agence France-Presse correspondent, further limiting the flow of information. On March 28, a coalition of private newspapers in the capital, with the backing of the press advocacy group Reporters Without Borders, jointly issued a single edition that called for the regime to reverse the recent media rules.

Prior to the 2008 crackdown, there were at least four private weekly newspapers that circulated regularly in the capital, but low literacy levels limited their influence. Broadcast media are controlled by the state. The HCC exerts control over the content of most radio broadcasts, and while there are roughly a dozen private stations, they face high licensing fees and the threat of closure for sensitive coverage. There are no restrictions on internet access, but the government reportedly monitors online communications, and less than 1 percent of the population had access to this resource in 2007.



Although Chad is a secular state, religion is a divisive force. Muslims, who make up slightly more than half of the population, hold a disproportionately large number of senior government posts, and some policies favor Islam in practice, such as government sponsorship of *hajj* trips to Mecca. Nevertheless, the government bans groups whose messages could lead to social tension. In June 2008, security forces clashed with supporters of a radical Islamist preacher, and 72 people were killed, most of them civilians. The government does not restrict academic freedom.

Despite the constitutional guarantee of free assembly, the authorities ban demonstrations by groups thought to be critical of the government. Insecurity in the east and south severely hindered the activities of humanitarian organizations in 2008, with more than 120 attacks against relief workers by October 2008, including four fatalities. In response to the death of a Save the Children worker on May 1, many groups suspended their activities on May 2 and 3 to protest the country's lawlessness and climate of impunity. The constitution guarantees the rights to strike and unionize, which are generally respected in practice.

The rule of law and the judicial system remain weak, with courts heavily influenced by Deby and his inner circle. In addition to his upcoming trial in Senegal, former president Hissene Habre was sentenced to death in absentia—along with 11 suspected rebel leaders, including NA head Mahamat Nouri—by a Chadian court in August 2008; an additional 31 suspected rebels received life sentences. Civilian leaders do not maintain effective control of the security forces, which routinely ignore constitutional protections regarding search, seizure, and detention. Human rights groups credibly accuse the security forces and rebel groups of killing and torturing with impunity. Overcrowding, disease, and malnutrition make prison conditions harsh, and many inmates are held for years without charge.

Interethnic clashes are common between Christian farmers of the various Nilotic and Bantu ethnic groups generally living in the south, and Muslim Arab groups living largely in the north. Turmoil linked to ethnic and religious differences is exacerbated by clan rivalries and external interference along the insecure borders. Communal tensions in eastern Chad have worsened due to the proliferation of small arms and ongoing disputes over the use of land and water resources. Reports of armed violence and vandalism throughout Chad are on the rise.

The government restricts the movement of citizens within the country, a practice that has increased in tandem with the civil conflicts. The army and its paramilitary forces, as well as rebel forces, have recruited child soldiers. The government has been slow to follow through on its agreement to demobilize them. Human Rights Watch (HRW) reported that as of June 2008, the army continued to recruit children, primarily in camps for the internally displaced in eastern Chad. HRW also found that Sudan's Justice and Equality Movement (JEM) rebel group has recruited children in camps for Sudanese refugees in eastern Chad.

Chadian women face widespread discrimination and violence. Female genital mutilation is illegal but routinely practiced by several ethnic groups. Chad is a source, transit, and destination country for child trafficking, and the government has not made significant efforts to eliminate the problem.

## Chile

**Population:** 16,800,000

**Capital:** Santiago

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,2F	2,2F	2,2F	2,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

President Michelle Bachelet continued to struggle with rising inflation, increasing unemployment, and overall macroeconomic sluggishness in spite of high copper prices during 2008. Divisions within her Concertacion coalition also complicated her efforts, and she was forced to reshuffle her cabinet for the fifth time in January 2008. Conservative opposition parties collected several surprise victories in the October municipal elections, dimming Concertacion's prospects for the December 2009 presidential election.

The Republic of Chile was founded after independence from Spain in 1818. Democratic rule predominated in the 20th century until the 1973 military coup against President Salvador Allende, led by General Augusto Pinochet. An estimated 3,000 people were killed or "disappeared" under Pinochet's regime. The 1980 constitution provided for a plebiscite in which voters could bar another presidential term for Pinochet. When the poll was held in 1988, some 55 percent of voters rejected eight more years of military rule, and competitive presidential and legislative elections were scheduled for the following year.

In 1989, Christian Democrat Patricio Aylwin, the candidate of the center-left bloc Concertacion (Coalition of Parties for Democracy), was elected president. Concertacion's Eduardo Frei, a businessman and the son of a former president, was elected to succeed Aylwin in 1993. Frei promised to establish full civilian control over the military, but he found that he lacked the necessary votes in Congress. He was also forced to retreat on his call for full accountability for human rights violations that had occurred under military rule.

Ricardo Lagos of Concertacion defeated former Pinochet adviser Joaquin Lavín, the candidate of the center-right Alliance coalition, in the 1999 presidential election. Though Lagos remained popular throughout his tenure, political corruption scandals tainted his administration. In response, he forged a working alliance with the opposition's strongest party to push for anticorruption reforms.

In the first step in what would become a years-long effort to hold Pinochet responsible for human rights atrocities, the former president was detained in London in 1998 under an extradition order from Spain. After being released for health rea-

sons in 2000, he returned to Chile, where he was eventually indicted in 2004 for tax evasion and two outstanding human rights cases. A series of pretrial legal battles over his health status and immunity from prosecution ended with a September 2006 Supreme Court decision that cleared the way for his trial. However, the case against Pinochet came to a close with the former dictator's death in December 2006.

Running on a pledge to tackle inequality while maintaining economic discipline, Michelle Bachelet, Lagos's health and defense minister, was elected president in January 2006. Because of Concertacion's strong performance in the 2005 legislative elections and a reform that eliminated the institution of unelected senators, she became the first president to govern with majorities in both houses of Congress. However, this advantage was relatively short-lived. In December 2007, the Christian Democratic Party—part of the Concertacion coalition—suffered a serious split, causing six of its legislature members to leave. Their departure ended the Concertacion's majority in both houses of Congress.

Bachelet had also faced massive student demonstrations in the summer of 2006, in which protesters demanded improvements in the education system, and she struggled to cope with lower economic growth as high energy prices outweighed record copper revenues. However, her administration oversaw the construction of new hospitals and nursery schools, and an education reform passed by the lower house of Congress in November 2007 awaited Senate approval at the end of 2008. The education reform aimed to reduce discrimination in school admissions and to redistribute government funds among public schools.

In January 2008, Bachelet reshuffled her cabinet for the fifth time, appointing experienced party officials. The move was prompted by the abrupt resignation of the interior minister. Also, in April 2008, the education minister was impeached over \$540 million in missing funds. The problem was most likely due to incompetence rather than corruption, but it did little to renew Chileans' faith in the administration's ability to effectively manage the budget, which had grown sixfold since 1990.

Municipal elections held in October represented a setback for the president. The opposition Alliance won the most mayoral votes, including those in Chile's largest cities.

### **Political Rights and Civil Liberties:**

Chile is an electoral democracy. Elections are considered free and fair. The constitution, which took effect in 1981 and has been amended several times, currently calls for a president elected for a single four-year term, and a bicameral National Congress. The Senate's 38 members serve eight-year terms, with half coming up for election every four years, and the 120-member Chamber of Deputies is elected for four years.

In 2005, the Senate finally passed reforms that repealed the last vestiges of military rule, ending authoritarian curbs on the legislative branch and restoring the president's right to remove top military commanders. The reform package included the abolition of the Senate's nine unelected seats and reduced the presidential term from six years to four.

There are three major political groupings in Chile: the center-left Concertacion coalition, formed in 1989, comprising the Christian Democratic Party (PDC), the Socialist Party (PS), the Party for Democracy (PPD), and the Social Democratic Radical Party (PRSD); the center-right Alliance coalition, formed in 1999, comprising the In-

dependent Democratic Union (UDI) and the National Renewal party (RN); and the Communist Party.

Congress passed significant transparency and campaign finance laws in 2003 that contributed to Chile's reputation as Latin America's best-governed country. In June 2007, Congress passed a law designed to improve transparency, in part by protecting public employees who expose corruption. Transparency International's 2008 Corruption Perceptions Index gave Chile a ranking of 23 out of 180 countries surveyed, making it the best performer in Latin America.

Guarantees of free speech are generally respected, and the media operate without constraint. Some laws barring defamation of state institutions remain on the books. The print media are dominated by two right-leaning companies, but the television market is considered highly diverse. On August 11, 2008, President Bachelet signed a freedom of information law, lauded by civil society groups for providing much needed transparency in governance in Chile. There are no government restrictions on the internet.

The constitution provides for freedom of religion, and the government generally respects that right in this predominately Roman Catholic country. The government does not restrict academic freedom.

The right to assemble peacefully is largely respected, and the constitution guarantees the right of association, which the government has also upheld. Demonstrations are common, and protesters' demands range from improved education to increased salaries. Workers may join existing unions or form unions without prior authorization; however, the 2007 International Trade Union Confederation survey of trade union rights highlighted ongoing antiunion practices including the replacement of striking workers and the use of dismissal threats to discourage union organizing.

The constitution provides for an independent judiciary, and the courts are generally free from political interference. Most sitting judges come from the career judiciary, and all judges are appointed for life. The constitution provides for the right to legal counsel, but indigent defendants have not always received effective legal representation.

Chile has two national police services: a uniformed service, the Carabineros, and a smaller, plainclothes investigation service. In response to public complaints, the government in June 2006 dismissed a special forces commander and his deputy after their unit was implicated in police brutality during that year's student protests. In spite of three new prisons built in 2007, prison conditions are poor, and overcrowding is worsened by a prison population that continues to grow by 8 percent annually.

The Truth and Reconciliation Commission was formed in 1990 to investigate human rights violations committed under military rule. Its report implicated the military and secret police leadership in the deaths or forced disappearances of 2,279 people between 1973 and 1990. Chilean courts convicted several former military officers of heinous crimes, ruling that a 1978 amnesty decree was inapplicable in cases of forced disappearance.

The army, the military branch most implicated in human rights violations, has offered limited cooperation to judicial investigations. Chile's Supreme Court jailed five military officers in October 2008 on charges of killing dozens of suspected leftists during the dictatorship. The officers were all members of a committee, known as the Caravan of Death, which traveled the country and killed political opponents shortly after the 1973 coup.

Indigenous groups comprise 4.6 percent of the population and are vocal about their rights to ancestral lands. A general nondiscrimination bill that was under consideration by Congress at year's end spells out a range of social categories to be protected from discrimination.

Violence against women and children remains a problem, though discrimination toward women is apparently in decline. In 2004, Congress passed a law that legalized divorce; Chile had been one of only a handful of countries in the world to prohibit divorce. President Michelle Bachelet has worked to limit gender discrimination, fighting against higher medical insurance premiums for women during childbearing years and lower salaries than men for comparable work. She initially fulfilled a campaign promise by appointing women to half of her cabinet seats, and in 2006 she helped enact a new public sector labor code that removes job candidates' gender from applications and mandates job training during regular working hours. By year's end, a draft law was being considered by Congress that would require political parties to nominate women for at least 30 percent of their candidate lists.

## China

**Population:** 1,324,700,000

**Capital:** Beijing

**Political Rights** 7

**Civil Liberties:** 6

**Status:** Not Free



*Note:* The numerical ratings and status listed above do not reflect conditions in Hong Kong or Tibet, which are examined in separate reports.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF

### Overview:

Despite expectations that it would enact at least symbolic human rights improvements during its year as host of the Olympic Games, the Chinese government in 2008 increased restrictions on online writers, human rights lawyers, democracy activists, migrant workers, and individuals seeking to petition the central government on abuses by local officials. Religious and ethnic minorities were also subjected to stepped-up repression, including a number of high-profile deaths. While it passed promising labor legislation and extended regulations allowing greater freedom of movement for foreign journalists, the ruling Communist Party generally sought to tighten control over the judiciary and domestic media coverage. Grassroots activists and intellectuals defied this government hostility, raising increasingly bold calls for reform during the year.

The Chinese Communist Party (CCP) took power in mainland China in 1949. CCP leader Mao Zedong subsequently oversaw devastating mass-mobilization campaigns, such as the Great Leap Forward (1958–61) and the Cultural Revolution (1966-76), which resulted in tens of millions of deaths. Following Mao's death in 1976, Deng Xiaoping emerged as paramount leader. Over the next two decades, he maintained the CCP's absolute rule in the political sphere while initiating limited market-based reforms to stimulate the economy.

The CCP signaled its resolve to avoid political reform with the deadly 1989 assault on prodemocracy protesters in Beijing's Tiananmen Square and surrounding areas. Following the crackdown, Jiang Zemin replaced Zhao Ziyang as general secretary of the party. Jiang was named state president in 1993 and became China's top leader following Deng's death in 1997. Jiang continued Deng's policy of rapid economic growth, recognizing that regime legitimacy now rested largely on the CCP's ability to boost living standards.

Hu Jintao succeeded Jiang as party general secretary in 2002, state president in 2003, and head of the military in 2004. Many observers expected Hu and Premier Wen Jiabao to implement modest political reforms to address pressing socioeconomic problems that had emerged in the course of China's modernization, including a rising income gap, unemployment, the lack of a social safety net, environmental degradation, and corruption. The new leadership instead renewed its commitment to maintaining the CCP's monopoly on power. While it proved moderately more responsive to certain constituencies—especially the urban middle class—the government continued to exercise tight control over key institutions and intensified repressive measures against those perceived as threats to the party's authority.

The CCP held its 17th Party Congress in October 2007. Changes to the Politburo Standing Committee, the country's foremost policy-making body, were the focus of the gathering, and one of those joining the committee was Shanghai party boss Xi Jinping. In March 2008, the National People's Congress plenary session confirmed Hu and Wen in their positions for the next five years, while Xi was appointed vice president, setting the stage for him to succeed Hu.

In August 2008, China hosted the Olympic Games in Beijing. The authorities failed to uphold pledges of an open media environment during the games, and expectations that the CCP would enact broader reforms or make gestures toward improved human rights also proved unfounded. Furthermore, the government carried out large-scale evictions; increased restrictions on movement; heightened surveillance; and cracked down on rights activists, petitioners, and religious and ethnic minorities to suppress internal dissent and project an image of efficiency and harmony in its organization of the games.

At the same time, the trend from recent years of growing rights consciousness among the public and an expanding nonprofit sector continued, accompanied by increasingly bold calls by citizens for protection of legally enshrined rights and in some cases, wholesale political reform. Citizens mobilized for relief and investigation efforts after a massive earthquake in May in Sichuan province, lawyers continued to push legal reform from the bottom up, and taxi drivers and teachers initiated a series of strikes. In December, a coalition of 300 prominent individuals published a manifesto dubbed Charter 08, which called for multiparty democracy, a free press, and an independent judiciary; it gained over 7,000 signatures by year's end. The

*Nine Commentaries*, a collection of editorials published in 2004 by the *Epoch Times* that analyzes the history of the CCP and encourages an end to its rule, continued its underground circulation in 2008, according to the Wei Jingsheng Foundation and official websites citing crackdowns on its distribution in several cities. The authorities also responded to these activities with censorship of online communications and detentions targeting some participants.

Also during the year, the earthquake in Sichuan province led to the deaths of an estimated 70,000 people. The government's initial openness to news coverage and nongovernmental relief efforts received international praise, but its later efforts to cover up the disproportionate toll on shoddily constructed school buildings highlighted the party's reluctance to permit genuine public scrutiny. Separately, the belated discovery that large quantities of baby formula had been tainted with melamine raised concerns over widespread corruption and the dearth of independent oversight of both state-owned and private enterprises. As the year drew to a close, the global economic downturn began to be felt in China, with tens of thousands of firms closing and unemployment rising. On the international scene, with the victory of the Kuomintang in Taiwanese elections, relations between the governments on the two sides of the strait became closer, and a number of agreements were signed facilitating economic and tourist exchanges.

### **Political Rights and Civil Liberties:**

China is not an electoral democracy. The CCP possesses a monopoly on political power, and the party's nine-member Politburo Standing Committee makes most important political decisions and sets government policy. Party members hold almost all top posts in government, the military, and the internal security services, as well as in many economic entities and social organizations. The CCP also exercises control over government and society through networks of party committees at all levels.

The 3,000-member National People's Congress (NPC) is China's largely symbolic parliament. It remains subordinate to the party in practice, serving primarily to approve proposed legislation, though members sometimes question bills before passing them. The country's only competitive elections are for village committees and urban residency councils, neither of which are formal units of government. The nomination of candidates remains a tightly controlled process, and fraud, violence, corruption, and attacks on independent candidates have marred many elections. The majority of village chiefs are still party members.

The state uses an opaque State Secrets Law to justify the detention of those who engage in political activity without CCP approval. Opposition groups like the China Democracy Party are suppressed, and members are imprisoned. Guo Quan, an online writer and professor who launched the China New People's Party in 2007, was arrested in November 2008 on charges of "subversion of state power." In December, democracy activist and Charter 08 drafter Liu Xiaobo was detained shortly before the manifesto's public release; he remained in custody at year's end. According to official statistics obtained by the Duihua Foundation, the number of arrests for "endangering state security" more than doubled from 2007 to 2008, reaching a total of 1,623 new detentions.

Corruption remains endemic, and according to some observers, it has risen in recent years, despite increased government anticorruption efforts. The problem is

most concentrated in sectors with extensive state involvement, such as construction, land procurement, and banking. While multiple government bodies track and prosecute corruption, there is no independent anticorruption agency, and the accuracy of official statistics is questionable. Nonetheless, tens of thousands of cases were investigated at all levels in 2008. From November 2007 to November 2008, some 151,000 party officials and members were reportedly disciplined; prosecution may be selective, however, as informal personal networks often influence who is pursued by the authorities. New open-government regulations came into effect in May 2008, but courts hesitated to accept lawsuits seeking to compel the disclosure of information by local officials. China was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press remains extremely restricted, despite constitutional free speech guarantees and comparative freedom in private discussion. During 2008, the authorities employed more sophisticated means to control news reporting about events in the country, particularly on potentially sensitive topics. This included proactively setting the agenda by allowing key state-run media outlets to cover events in a timely but selective manner, followed by requirements that other media and internet portals restrict their reporting to such versions. Media coverage of criticism of top leaders, past CCP rights abuses, and repression of minorities is censored, and party directives in 2008 curbed information related to public health, the financial crisis, and other topics. Journalists who fail to comply with official guidance are harassed, fired, or jailed. During the year, at least 11 journalists, cyberdissidents, and other citizens were sentenced to prison or labor-camp terms of up to seven years for disseminating information on a range of issues. In several particularly prominent cases, *Southern Metropolis Weekly* deputy editor Chang Ping was removed from his post for a commentary on Tibet, AIDS activist Hu Jia was sentenced to 3.5 years in prison, and land rights activist Yang Chunlin was sentenced to five years. Four journalists or commentators were released from prison, including Cheong Ching, a well-known Hong Kong journalist.

Material in virtually every medium requires state approval for publication, and violators face fines or imprisonment; pirated and underground copies circulate in practice, however. Regulations allowing greater freedom of movement for foreign journalists, first put in place in January 2007, remained in effect during the Olympic Games in August 2008 and were permanently extended in October. Nevertheless, local officials continued to block, harass, and sometimes assault foreign reporters, while Human Rights Watch reported an increase in the intimidation of Chinese sources. Some international radio and television broadcasts remain jammed; in June 2008, the French company Eutelsat stopped broadcasts of the Falun Gong-affiliated overseas satellite station New Tang Dynasty TV, apparently under pressure from the Chinese authorities.

Although access to digital media has grown exponentially in recent years, the government routinely cracks down on internet users and monitors personal communications, including text messaging via mobile telephones. The authorities block websites they deem politically threatening and detain those responsible for posting the content. As of June 2008, 49 cyberdissidents were serving prison terms. Foreign and domestic internet companies cooperate with the Chinese government on censorship enforcement. In 2008, control over online video content was tightened un-



der new regulations requiring that providers be state-owned or state-controlled. Starting in October, government surveillance was increased in internet cafes, with users obliged to register with their real name and submit to photographs before getting online.

Though constitutionally recognized, religious freedom is sharply restricted. It deteriorated further in 2008, as the CCP used the pretext of ensuring Olympic security to crack down on minorities. All religious groups are required to register with the government, which regulates their activities via state-sponsored associations. Members of unauthorized groups face harassment, imprisonment, and torture. Though some local governments tolerate Protestant and Catholic congregations, many members of "underground" churches were affected by a series of raids and detentions in 2008. According to the Congressional-Executive Commission on China, repression of the Falun Gong spiritual group also intensified following central government directives. The crackdown included increased propaganda efforts to vilify the group, restrictions on movement, arrests, and sentencing of adherents to "reeducation through labor" camps and prisons, with terms of up to eight years. In one high-profile case, Beijing musician Yu Zhou died in custody 11 days after being detained for possessing Falun Gong literature in late January; his wife, Xu Na, was sentenced in November to three years in prison. In the Xinjiang Autonomous Region, repression of ethnic Uyghurs and curbs on Muslim religious practice intensified, with large-scale detentions, restrictions on fasting during Ramadan, and new regulations prohibiting activities such as praying in public. Public executions and deaths in custody were also reported, including the death of Mutellip Hajim, a jade merchant and prominent community member, after his arrest in January; the incident sparked protests in March that were forcefully broken up. A state-run propaganda campaign, joined by the Daoist association's leader, to vilify Tibetans following protests in Tibetan areas in March led to increased discrimination against members of that minority.

Academic freedom remains restricted with respect to issues deemed politically sensitive, and such constraints increased around the Olympics. The CCP controls the appointment of senior university officials, and many scholars practice self-censorship to preserve their positions and personal safety. Political indoctrination is a required component of the curriculum at all levels of education.

Freedoms of assembly and association are severely restricted. None of the 77 people who applied to demonstrate in three designated "protest zones" during the Olympics were approved, and at least 6 were detained. The authorities also increased harassment of petitioners—individuals seeking to appeal to senior officials on injustices at the local level; 12.7 million such petitions were reported in 2007. Hundreds of petitioners were detained in and around Beijing ahead of the Olympics, while some provincial authorities reportedly confined them to mental hospitals or illegal detention centers termed "black jails." Despite such repression, workers, farmers, and others have held tens of thousands of public protests in recent years over wrongdoing by local officials, especially land confiscation, corruption, and fatal police beatings. Security agencies or hired thugs sometimes use excessive force to put down such unrest, as when 70 young men reportedly used knives and clubs to attack villagers resisting eviction in Hubei province in January 2008. In other cases, officials tolerate demonstrations as an outlet for pent-up frustration or agree to protesters' demands, as with a taxi-driver strike in Chongqing in November.

Nongovernmental organizations (NGOs) are required to register with the government and follow strict regulatory guidelines, including vague prohibitions on advocating nonparty rule, "damaging national unity," or "upsetting ethnic harmony." Many groups, including those working on health issues like HIV/AIDS, reported heightened harassment and surveillance in the period surrounding the Olympics. The Sichuan Union Relief Office, which had been coordinating the work of over 100 NGOs in the earthquake zone, announced in May that it would discontinue its efforts after it was unable to register and received harassing visits from police.

The only legal labor union is the government-controlled All China Federation of Trade Unions, and independent labor leaders are harassed and jailed. Collective bargaining is legal but does not occur in practice. Three new labor laws took effect in 2008; they were designed to protect workers, counter discrimination, and facilitate complaints against employers, while empowering CCP-controlled unions. Initial promising signs on implementation—including a sharp rise in the number of labor-dispute cases filed by workers—were overshadowed at year's end by the bleak economic environment, a lack of independent arbitration bodies, and a growing backlog of complaints. Though workers have no legal right to strike, there was an increase in labor unrest during the year. Dangerous workplace conditions continued to claim lives. Chinese officials reported that the number of workplace accidents fell by 10 percent from 2007 to 2008, setting the year's death toll at 91,172.

The CCP controls the judiciary and directs verdicts and sentences, particularly in politically sensitive cases. In 2008, a party veteran with no formal legal training was appointed as chief justice. Despite recent criminal procedure reforms, trials—which often amount to mere sentencing hearings—are frequently closed, and few criminal defendants have access to counsel in practice. Torture remains widespread, with coerced confessions routinely admitted as evidence, and police conduct searches without warrants. Endemic corruption exacerbates the lack of due process in the judicial system. Many suspects are deprived of court hearings altogether, detained instead by bureaucratic fiat in "reeducation through labor" camps. These facilities are estimated to hold between 300,000 and 3 million detainees, with a majority in some camps reported to be political and religious prisoners. The use of various forms of extralegal detention has also increased in recent years, including secret jails and psychiatric arrest of petitioners and dissidents. Some 65 crimes—including nonviolent offenses—carry the death penalty in China, and human rights groups estimated that as many as 6,000 people were executed in 2007, though exact figures remain a state secret. Nonetheless, a recent reform enabling the Supreme People's Court to review capital cases has apparently led to a modest reduction in executions, with the court stating that it overturned about 15 percent of death sentences in the first half of 2008.

Though in most cases security forces are under direct civilian control, they work closely with the party leadership at each level of government, which contributes to frequent misuse of authority. Cases of extrajudicial and politically motivated murder, torture, and arbitrary arrest continue to be reported. Ahead of the Olympics in 2008, authorities detained or placed under house arrest dozens of online writers, human rights defenders, and other dissidents, including the wife and young daughter of activist Hu Jia. Civil rights lawyers have faced increasing harassment in recent years, along with their families, and some have been detained. Lawyer Teng Biao

was abducted in March, and his law-license renewal was refused in May; several other lawyers were threatened with similar punishment or fired from their law firms for advocating democratic elections to the Beijing Bar Association. Gao Zhisheng was severely tortured in custody, and Li Heping's car was attacked as he drove his son to school.

Minorities, the disabled, and people with HIV/AIDS face severe bias in mainstream society. New legal provisions enabled successful lawsuits in Guangdong and Shanghai in 2008 by individuals who had faced employment discrimination for carrying Hepatitis B. A household registration, or *hukou*, system remains in place, mostly affecting China's population of 150 million internal migrants. Officials intensified inspections under the system ahead of the Olympics. Some local governments have experimented with reforms to allow greater mobility, but citizens continue to face restrictions on changing employers or residence, and many migrants are unable to fully access social services. Other restrictions on freedom of movement intensified during the Olympics, including the confiscation of passports and restrictions on air travel for Uyghur Muslims and human rights defenders. Law enforcement agencies near the border with North Korea stepped up efforts to locate refugees, and hundreds of people were reportedly repatriated, facing imprisonment or execution upon return.

Despite a growing body of legislation outlining property rights—including a 2007 Property Rights Law—protection remains weak in practice, and all land is formally owned by the state. Tens of thousands of forced evictions in urban centers and illegal land confiscations in rural areas take place each year, often with inadequate compensation. Individuals who resist eviction, seek legal redress, or organize protests face physical violence at the hands of local police or thugs hired by property developers. The Center on Housing Rights and Evictions estimated that 1.5 million people had been displaced in Beijing since 2001, including hundreds of thousands in 2008, often due to construction efforts surrounding the Olympics. In October, party leaders announced possible reforms that would loosen restrictions on rural land-use contracts, but all land would continue to be owned by the state and managed by village committees.

China's policy of allowing only one child per couple remains in place, though it is less stringently enforced in rural areas. Compulsory abortion or sterilization by local officials still occurs but is illegal and far less common than in the past. Serious human rights violations against women and girls continue. The one-child policy and cultural preference for boys over girls have led to sex-selective abortion and a general shortage of females, which exacerbates the problem of human trafficking. Domestic violence and sexual harassment are growing concerns in Chinese society. In July 2008, a court in Sichuan delivered the country's first criminal conviction for sexual harassment in the workplace.

## Colombia

**Population:** 44,000,000

**Capital:** Bogota

**Political Rights:** 3

**Civil Liberties:** 4\*

**Status:** Partly Free



**Ratings Change:** Colombia's civil liberties rating declined from 3 to 4 due to a rise in internal displacement and extrajudicial executions as well as a series of violent acts against protesters and protest organizers.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	4,4PF	4,4PF	4,4PF	4,4PF	4,4PF	3,3PF	3,3PF	3,3PF	3,4PF

### Overview:

The Revolutionary Armed Forces of Colombia (FARC) rebel group suffered a number of major setbacks in 2008, including the government's dramatic liberation of high-profile hostages, a large-scale antirebel march, and the deaths of three FARC leaders, including founder Manuel Marulanda. Several scandals also roiled the country, including the collapse of a massive financial pyramid scheme and the sacking of the army's top general following revelations on a series of extrajudicial executions. Rural violence increased the rate of internal displacement and also raised tensions with indigenous groups, who subsequently marched to Bogota despite violence that resulted in one death and scores of injuries.

Following independence from Spain in 1819, Gran Colombia broke into what became Venezuela, Ecuador, and modern Colombia. The 1903 secession of Panama, engineered by the United States, left Colombia with its present boundaries. A civil war between Liberals and Conservatives, known as La Violencia, erupted in 1948 and resulted in some 200,000 deaths before subsiding after 1953. From 1958 to 1974, the two parties alternated in the presidency under the terms of a 1957 coalition pact (the National Front), aimed at ending civil strife. Colombia has since been marked by the corrupt politics of the Liberal and Conservative parties, as well as by left-wing guerrilla insurgencies, right-wing paramilitary violence, the emergence of vicious drug cartels, and human rights abuses committed by all sides.

Conservative candidate Andres Pastrana won the 1998 presidential election, and as part of the peace process, he arranged for the leftist Revolutionary Armed Forces of Colombia (FARC) rebel group to occupy a so-called demilitarized zone in the south. However, in 2001, it became clear that the FARC was using its territory to coordinate military and criminal operations, and the government began a new offensive.

In the 2002 presidential election, Colombians chose Alvaro Uribe, a former pro-

vincial governor who ran as an independent and pledged to crush the rebels by military means. Soon after his inauguration, he decreed a state of emergency and created special combat zones in 27 municipalities in which the military was allowed to restrict civilian movement and conduct searches without a warrant. Right-wing paramilitary death squads known as the United Self-Defense Forces of Colombia (AUC) also continued to battle the guerrillas in both rural and urban areas. However, the country continued to be wracked by massacres, drug trafficking, and the highest rate of kidnapping in the Western Hemisphere. Uribe was praised for his diligent leadership and communications skills, but critics faulted him for his authoritarian bent and apparent lack of concern for human rights. The Constitutional Court in 2003 stripped him of the emergency powers he had assumed in 2002, signaling that he had overstepped his legal authority. In addition, Uribe triggered protests by proposing an amnesty that would grant paramilitaries reduced prison sentences or allow them to pay reparations in lieu of jail time. In November 2003, more than 850 members of the AUC disarmed and were allowed to return to civilian life, even as human rights groups charged that the move made a mockery of justice.

Although by 2005 the leftist guerrillas had largely ceded control of major cities to the paramilitaries, the FARC and the smaller National Liberation Army (ELN) appeared determined to hold out in remote areas, using the narcotics trade and extortion for financial support. Moreover, the government failed to improve social or human rights conditions in newly recaptured areas. Rural zones sometimes deteriorated further as paramilitaries replaced the guerrillas. In subsequent years, the government attempted to better integrate its military presence with social development in former conflict zones.

Between 2005 and 2007, debate continued over the paramilitaries' demobilization. Human rights groups claimed that the Justice and Peace Law, adopted in June 2005, failed to ensure the permanent dismantling of paramilitary organizations and did not allow adequate time for their many crimes to be investigated. The government denied that the law encouraged impunity—combatants were required to spend between five and eight years in prison—and noted that it did not apply to drug-related offenses. In May 2006, the Constitutional Court struck down certain elements of the law and mandated full confessions, the seizure of illicitly acquired assets, and the provision of reparations to victims.

In the run-up to the March 2006 legislative elections, the FARC carried out several serious attacks on civilians and local politicians. In several departments with heavy paramilitary influence, candidates not aligned with the militias were intimidated and killed. However, violence declined prior to the May presidential election, in which Uribe's prospects were bolstered by a growing economy and the perception of improved security. He was reelected with 62 percent of the vote, fully 40 points ahead of his closest rival.

By late 2006, more than 30,000 paramilitaries had formally demobilized. However, in 2007 and 2008, human rights groups reported problems with civilian reintegration, a lack of resources for investigations, delays in reparation payments and physical protection for victims, and the increasing presence of other groups, including the FARC and neoparamilitaries, in territory vacated by demobilized combatants. New armed groups, often composed of recalcitrant or rearmed AUC members, were estimated to comprise 8,000 to 10,000 fighters and were operating in nearly a quarter of

Colombia's municipalities. These organizations often mimicked the AUC, reportedly engaging in extortion, assassinations, and in some cases collaborating with security forces or guerrillas. While drug trafficking was their primary focus, they also frequently directed aggression against social and human rights activists.

Demobilized and imprisoned AUC leaders, meanwhile, warned that they would rearm if the government did not uphold promises to prosecute them as political criminals, which would allow for eventual rehabilitation. Top AUC leaders continued in 2007 and 2008 to testify about their crimes. In certain instances, the process deteriorated into a travesty, with leaders refusing to admit culpability or even busying in supporters to cheer outside the courtroom. However, other cases yielded valuable information on unsolved murders and paramilitary operations. In April 2008, 14 of the most notorious paramilitary chiefs were extradited to the United States, where they faced long sentences for drug trafficking. The Colombian government argued that this would break their ongoing control over drug distribution networks, but rights groups feared that the transfers would truncate the confessions process.

Observers also raised concerns that the AUC leaders' extraditions effectively removed potential witnesses in the ongoing "parapolitics" scandal, which linked scores of politicians to paramilitaries. By the end of 2008, over 70 congressmen—including the president's cousin, Mario Uribe—had been arrested, convicted, or were under investigation in the case. The government asserted that the revelations reflected the success of its security policies, which provided space for the country to confront its entrenched problems. Tension rose in 2008 between accused congressmen and President Uribe on the one side, and the Supreme Court, which is tasked with investigating sitting lawmakers, on the other. The court was accused of detaining suspects based on weak evidence; over a dozen congressmen resigned to remove their cases from the court's jurisdiction. Pro-Uribe lawmakers also attempted to pass a bill that would have stripped the Supreme Court of its investigatory powers over congressmen, but the measure remained stalled at year's end.

Following a dispiriting 2007, when it emerged that 11 state legislators held captive by the FARC had been shot to death, the government made major gains against the rebels in 2008. On February 4, hundreds of thousands of Colombians joined a march to demand the release of the group's hostages. On March 1, a Colombian raid across the Ecuadorean border killed a top FARC commander, Raul Reyes, along with over 20 others. Both Ecuador and Venezuela cut off diplomatic relations with Colombia over the incident, and the OAS issued a statement that "rejected" the attack. Although tension with Venezuela later eased slightly, ties with Ecuador remained cut off through the end of 2008. Days after the attack, another FARC leader, Ivan Rios, was murdered by one of his own guards, and in May, the FARC announced that its leader and founder, Manuel Marulanda, had died of natural causes in late March.

Finally, on July 2, military personnel posing as nongovernmental organization (NGO) workers clinched the dramatic liberation of former presidential candidate Ingrid Betancourt along with three American contractors and 11 other hostages, many of whom had been held by the FARC for five years or more. Though the ruse was tarnished by the revelation that the military had used the Red Cross logo, an illicit act under international law, the mission's success pushed Uribe's approval ratings above 85 percent and further diminished the FARC's image.

In the second half of 2008, details emerged on a major scandal involving extra-

judicial executions, leading to the October dismissal of army chief Mario Montoya and over two dozen others. Separately, a massive Ponzi scheme collapsed in November, wiping out the savings of thousands of Colombia's poorest residents. The government was accused of doing little to investigate suspicious practices by the companies involved. Also during the year, the government made major new narcotics arrests even as U.S. and UN data showed increasing coca cultivation and no significant dent in the amount of cocaine flowing out of the country. Meanwhile, national homicide and kidnapping rates continued to decline.

**Political Rights and Civil Liberties:** Colombia is an electoral democracy. The 2006 legislative elections, while an improvement over the 2002 contest, were marred by vote buying, district switching, opaque financing, paramilitary intimidation, and violence. That year's presidential election was, by comparison, fairly peaceful. The 2007 regional and local elections repeated some of the flaws of the congressional polls but also marked an improvement over the last such elections in 2003.

The Congress is comprised of the Senate and the Chamber of Representatives, with all seats up for election every four years. Of the Senate's 102 members, 2 are chosen by indigenous communities and 100 by the nation at large, using a party-list system that features a 2 percent national threshold. The Chamber of Deputies consists of 166 members elected by party-list proportional representation in multimember districts. President Alvaro Uribe's 2006 reelection came after a drawn-out constitutional amendment campaign to allow a second four-year presidential term. During 2008, Uribe would not say whether he would attempt to stand for a third term, causing increased institutional uncertainty. Supporters collected enough petition signatures to launch a constitutional amendment referendum on the issue, but the effort stalled amid serious doubts about its financing, the wording of the question, and the procedures used to move the referendum through Congress.

The traditional Liberal-Conservative duopoly in Congress has in recent years been supplanted by a rough division between anti-Uribe forces on the left and pro-Uribe forces on the right. The shift was partly the result of 2003 reforms designed to open the system and contain the problem of party fragmentation, while also leveling the playing field with regard to campaign financing and media access. Further proposed changes proved controversial in 2008, especially the opposition's argument that seats vacated by lawmakers implicated in the parapolitics scandal should be left empty rather than filled by the next candidate on their party list. A bill that gained Senate approval in December included provisions to encourage internal party democracy and discourage clientelism, but it was denounced by critics both for laxity regarding parapolitics-linked parties and for the disordered legislative atmosphere in which it was passed.

Corruption affects virtually all aspects of public life. In the most prominent corruption scandal of 2008, the chief prosecutor in Medellín—the brother of the interior minister—was placed under investigation for suspected cooperation with drug traffickers. Also during the year, the demobilization and confession process produced details on the paramilitaries' plundering of local treasuries in concert with local authorities. Colombia was ranked 70 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution guarantees freedom of expression, and opposition viewpoints are commonly expressed. However, crime and conflict make it difficult for journalists to conduct their work. Dozens of journalists have been murdered since the mid-1990s, many for reporting on drug trafficking and corruption; most of the cases remain unsolved. Although none were killed in connection with their work in 2008, aggression and threats against reporters continued, and self-censorship remained common. The Uribe administration has repeatedly questioned the patriotism of journalists and accused them of antigovernment bias or links to guerrillas. Slander and defamation remain criminalized, and the incidence of these charges rose in 2008. The government does not limit or block access to the internet or censor websites.

The constitution provides for freedom of religion, and the government generally respects this right in practice. The authorities also uphold academic freedom, and university debates are often vigorous, although armed groups maintain a presence on many campuses to generate political support and intimidate opponents.

Constitutional rights regarding freedoms of assembly and association are restricted in practice by violence. In 2008, soldiers were captured on video firing at indigenous protesters who eventually marched from southern Colombia to Bogota to voice their grievances. Although the government provides extensive protection to hundreds of threatened human rights workers, numerous activists have been murdered by the military or rightist paramilitary forces. Uribe has called rights workers "spokespeople for terrorism" and cowards. These remarks and the sometimes baseless legal cases brought against human rights defenders are sometimes interpreted as a green light to physically attack them. From 2006 to 2008, at least 20 victims' rights and land activists were killed; advocates for the displaced face special risk as former paramilitaries seek to smother criticism of their ill-gotten assets.

Over 60 percent of all trade unionist killings occur in Colombia, making it the world's most dangerous country for organized labor. More than 2,600 union activists and leaders have been killed over the last two decades, with an impunity rate of over 95 percent. In 2008, the number of killings rose to 49, from 38 in 2007, but this still represented a notable decline from the numbers earlier in the decade. Labor leaders are frequently targeted by paramilitary groups, guerrillas, and narcotics traffickers. In 2008, the issue continued to hold up ratification of a bilateral free-trade agreement by the U.S. Congress. In response, the government has worked with the International Labor Organization and formed a special unit of prosecutors that, starting in 2007, substantially increased prosecutions for assassinations of union members. A number of strikes occurred in 2008, including one by judicial employees that was settled only after Uribe declared a "state of internal commotion" that allowed greater leeway to deal with the strikers.

The justice system remains compromised by corruption and extortion. The traditional civil law system has been phased out in favor of an oral, adversarial system. The Constitutional Court and Supreme Court have, on several occasions, demonstrated independence from the executive, which has led to tensions with Uribe. In 2008, the local press reported on a series of meetings between representatives of former paramilitaries and executive branch functionaries, and suggested that they discussed a campaign to discredit the Supreme Court.

The civilian-led Ministry of Defense oversees both the military and the national police. However, many soldiers operating in Colombia's complex security environ-



ment work under limited civilian oversight. The government has in recent years convicted an increased number of military personnel for grave human rights abuses.

Human rights groups in 2007 reported a marked rise in extrajudicial killings by state agents over the past several years. In many cases, soldiers killed civilians, dressed them as guerrillas, and tampered with crime scenes to inflate battle statistics and cover up their actions. In 2008, the problem was shown to be more extensive and systematic than previously understood, with impoverished urban youths in some cases being lured by offers of work, only to show up as dead "guerrillas" within days or weeks. Army chief Mario Montoya and several dozen other officers were fired over the scandal, and hundreds of soldiers remained under investigation at year's end. The Uribe government was blamed in part for pressuring the military to show results based on body counts.

Right-wing paramilitaries and left-wing guerrillas, some of whom are involved in drug trafficking, systematically abuse human rights. FARC guerrillas regularly extort payments from businesspeople, use hostages as human shields, and lay landmines that maim and kill civilians. Impunity is rampant, and victims often express frustration with the government's level of commitment to obtaining economic reparations and prosecuting perpetrators. In April 2008, the Senate passed a victims' rights bill that was considered a major step forward, but the lower house subsequently watered it down, making it more difficult for victims of state forces to receive reparations. Victims also expressed concern during the year that demobilized paramilitaries had returned just a fraction of the millions of acres of land they seized while ostensibly fighting the guerrillas.

Colombia's more than 1.7 million indigenous inhabitants live on more than 34 million hectares granted to them by the government, often in resource-rich, strategic regions that are contested by the various armed groups. Indigenous people are frequently targeted by all sides, including the security forces. Colombia was the only Latin American country to abstain in the 2007 vote to adopt the Declaration on the Rights of Indigenous Peoples in the UN General Assembly.

Afro-Colombians, who account for as much as 25 percent of the population, make up the largest sector of Colombia's 3.8 million displaced people, and 80 percent of Afro-Colombians fall below the poverty line. The displaced population as a whole suffers from social stigma, arbitrary arrest, and exploitation, as well as generalized poverty. The fierce combat in the first half of 2008 resulted in nearly 270,000 newly displaced people, reportedly the largest such increase in over 20 years.

Homosexuals face active discrimination, but in 2007, the Constitutional Court ruled that homosexual couples must be made eligible for various benefits, which were expanded in April 2008.

Child labor is a serious problem in Colombia, as are child recruitment into the armed groups and related sexual abuse. Sexual harassment, violence against women, and the trafficking of women for sexual exploitation remain major concerns. Amnesty International has reported that combatants on all sides treat women as "trophies of war." Almost 60 percent of the displaced population is female. The country's active abortion-rights movement has challenged restrictive laws, and in 2006, a Constitutional Court ruling allowed abortion in cases of rape or incest or to protect the mother's life.

## Comoros

**Population:** 700,000  
**Capital:** Moroni

**Political Rights:** 3\*  
**Civil Liberties:** 4  
**Status:** Partly Free



**Ratings Change:** The Comoros' political rights rating increased from 4 to 3 as a result of the restoration of legitimate government to Anjouan, one of the country's constituent islands.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,4PF	6,4PF	6,4PF	5,4PF	5,4PF	4,4PF	4,4PF	3,4PF	4,4PF	3,4PF

### Overview:

In March 2008, the leader of the Comoran island of Anjouan, who had sought to rule independently of the central government, was forced out of power by a multinational African Union military force. Also during the year, President Ahmed Abdallah Sambi became the focus of increasing unrest, which was fueled largely by the rising cost of living.

The Union of the Comoros comprises three islands: Grande Comore, Anjouan, and Moheli. Residents of Mayotte, the fourth island of the archipelago, voted to remain under French rule in a 1974 referendum, and subsequently enjoyed French subsidies and a far higher standard of living than that on the other islands.

Two mercenary invasions and at least 18 other coups and attempted coups have shaken the Comoros since it gained independence from France in 1975. Mohamed Taki Abdoukarim was elected president in a 1996 poll that was considered free and fair by international monitors, but in 1997, Anjouan and Moheli fell under the control of separatists.

Azali Assoumani, a colonel in the armed forces, staged a coup in 1999 in a bid to restore order. A reconciliation agreement known as the Fomboni Declaration was signed in 2000, and referendum voters in 2001 approved a new constitution that gave greater autonomy to the three islands. The 2002 elections for the island presidencies were deemed largely free and fair, but Azali won the federal presidency after his two opponents claimed fraud and withdrew.

Comoran and international observers assessed the 2004 federal legislative elections—which resulted in Azali supporters capturing only 6 of the 33 seats—as legitimate. In May 2006, a moderate Islamist preacher and businessman, Ahmed Abdallah Sambi, won the federal presidency with 58 percent of the vote in an election that was also deemed legitimate by most observers. Sambi pledged to focus on improving the economy.

Serious tensions between the islands persisted in 2007, as Colonel Mohamed

Bacar, president of Anjouan, refused to leave office at the end of his term in April. He organized unauthorized elections in June to legitimize his continued rule, claiming to have won with 90 percent of the vote. However, in March 2008 a 1,500-strong African Union military force ousted him from power, and in June a supporter of President Sambu was elected in his place. Bacar was detained for three months by French authorities on the islands of Mayotte and Reunion and was then deported to Benin.

The Comoros ranked 134 out of 177 countries on the UN Development Programme's 2007-08 Human Development Index. The country relies heavily on foreign aid and remittances from workers overseas and earns a small amount from spice exports. Large numbers of Comorans illegally emigrate to Mayotte, either to settle there or to seek entry into metropolitan France.

In 2008, rising food and fuel prices accelerated the Comoros' economic crisis, resulting in swelling discontent with the Sambu administration.

**Political Rights and Civil Liberties:** The Comoros is an electoral democracy. Since 1996, Comorans have voted freely in several parliamentary and presidential elections. Under the archipelago's 2001 constitution, the federal presidency rotates among the islands every four years. Current president Ahmed Abdallah Sambu is from Anjouan. The unicameral Assembly of the Union consists of 33 members, with 15 selected by the three islands' local assemblies and 18 by universal suffrage. All members serve five-year terms. The Assembly is dominated by deputies elected in opposition to then president Azali Assoumani.

The main parties include the Movement for the Comoros, the Camp of the Autonomous Islands, and the Convention for the Renewal of the Comoros. Parties are mainly defined by their positions regarding the division of power between the federal and local governments.

Corruption is a major problem in Comoros. In August 2007, former Moheli president Said Mohamed Fazul received an 18-month suspended prison term and a fine for fraud. There have also been complaints of corruption among the security forces and of unpaid salaries for teachers and other government workers. The Comoros was ranked 134 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution and laws provide for freedom of speech and of the press, but the government partially limits press freedom. The authorities have arrested journalists, seized newspapers, and pulled broadcast outlets off the air for reports found to be objectionable. For example, paramilitary police in 2006 detained the editor of an independent newspaper after he published a story that was critical of the military. Several private newspapers that are at times critical of the government are sporadically published in the capital. Two state-run radio stations broadcast, as do about 20 regional radio stations and 5 local private television stations. Internet access is extremely limited for economic reasons.

Islam is the official state religion, but tensions have risen between Sunni and Shiite Muslims. In 2007, about 60 senior Sunni clerics called for Shia Islam to be banned and for the expulsion of foreigners accused of spreading the sect. Non-Muslims are legally permitted to practice their faiths, but they are reportedly subject to restrictions, detentions, and harassment. Non-Muslim proselytizing is illegal. Academic freedom is generally respected.

The government typically upholds freedoms of assembly and association. However, security forces sometimes respond to demonstrations with excessive force. In 2005, 1 person was reportedly killed and 16 wounded when police violently dispersed protests against rising fuel prices. A few human rights and other nongovernmental organizations operate in the country. Workers have the right to bargain collectively and to strike, but collective bargaining is rare. In 2008, teachers and medical workers went on strike to protest deteriorating economic conditions.

The judicial system is based on both Sharia (Islamic law) and the French legal code and is subject to influence by the executive branch and other elites. Most minor disputes are settled informally by village elders or by local courts. A series of reforms in 2005 transferred some courts to the jurisdiction of the respective islands and left only the Supreme Court under the authority of the central government. A complex and overlapping system of security forces exists. Harsh prison conditions are marked by severe overcrowding and a lack of adequate sanitation, medical care, and nutrition.

Women possess constitutional protections, but in practice, they enjoy little political or economic power and have far fewer opportunities for education and salaried employment than men, especially in rural areas. Economic hardship has forced growing numbers of young girls into domestic servitude for little or no pay.

## Congo, Democratic Republic of (Kinshasa)

**Population:** 65,500,000

**Capital:** Kinshasa

**Political Rights:** 6\*

**Civil Liberties:** 6

**Status:** Not Free



**Ratings Change:** The Democratic Republic of Congo's political rights rating declined from 5 to 6 due to political violence, including a police crackdown on the politico-religious movement Bundu Dia Kongo and the murder of an opposition politician in July.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	5,6NF	5,6NF	6,6NF

### Overview:

Despite the signing of a peace agreement in January 2008, fighting in the east between rebel forces, local militias, and the army intensified during the year, resulting in severe human rights abuses and civilian displacement. Meanwhile, Prime Minister Antoine Gizenga resigned in September, and the government of President Joseph

**Kabila cracked down on the political opposition. National police carried out deadly raids against the politico-religious movement Bundu Dia Kongo in February and March, and an opposition politician was murdered in July. Early in the year, the government received a \$9 billion loan from China, which has impeded negotiations with the IMF on a new poverty reduction and growth facility because of the new debt the loan entails.**

The vast area of Central Africa claimed by the king of Belgium in the late 19th century was exploited for decades with a brutality that was extreme even by colonial standards. After it gained independence from Belgium in 1960, the country became an arena for Cold War rivalries, and Colonel Joseph Mobutu seized power with CIA backing in 1965. Mobutu changed the country's name from the Democratic Republic of Congo (DRC) to Zaire in 1971, renamed himself Mobutu Sese Seko, and assumed dictatorial powers.

Following the end of the Cold War, domestic and international pressure forced Mobutu to open up the political process. A national conference in 1992 reduced his powers and named a new prime minister, but Mobutu created a rival government. In a compromise that marginalized the conference's chosen prime minister, the two governments merged in 1994, with Mobutu remaining head of state.

After the 1994 genocide in neighboring Rwanda, the Rwandan and Ugandan governments tapped into popular hatred for Mobutu and turned their cross-border pursuit of Rwandan Hutu militia members into an advance on Kinshasa. Rwandan troops, accompanied by representatives of the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL), a coalition led by former Zairian rebel leader Laurent-Desire Kabila, entered eastern Zaire in October 1996 and reached Kinshasa in May 1997; Mobutu fled to Morocco and died soon thereafter. Kabila consolidated power, declaring himself president and changing the country's name back to the Democratic Republic of Congo.

Relations between Kabila and his backers in Rwanda and Uganda deteriorated after he ordered all foreign troops to leave the DRC in 1998. Rwanda intervened in support of a newly formed rebel group, the Congolese Rally for Democracy (RCD), but the DRC government was defended by Angolan, Namibian, and Zimbabwean troops. Uganda later backed a rival rebel group, the Movement for the Liberation of the Congo (MLC), establishing control over the northern third of the DRC, while the RCD held much of the eastern Kivu region. The war eventually drew in forces from Chad, Sudan, and Burundi as well, and the country's vast mineral wealth spurred the involvement of multinational companies, criminal networks, and more distant foreign governments.

Military stalemate and international pressure led to the signing of the Lusaka Peace Agreement in 1999. The accord called for a ceasefire, the deployment of UN peacekeepers, the withdrawal of foreign troops, and talks on forming a transitional government. Kabila drew increasing international criticism for blocking the deployment of UN troops and suppressing internal political activity. He was assassinated in January 2001 and succeeded by his son Joseph, who revived the peace process. The resulting Sun City Peace Agreement, signed in South Africa in 2002, led to the creation of a transitional government in 2003, bringing a formal end to the war.

A new constitution was passed by the bicameral transitional legislature and ap-

proved by referendum in 2005. Presidential and legislative elections, the first multi-party polls since independence, were held in July 2006. Despite daunting logistical challenges, the elections were largely peaceful and drew a voter turnout of over 70 percent. Kabila's People's Party for Reconstruction and Democracy (PPRD) gained the most seats in the National Assembly, but fell short of an outright majority. In a field of 33 presidential candidates, Kabila won about 45 percent of the vote, and then won the runoff against MLC leader and transitional vice president Jean-Pierre Bemba. Bemba challenged but ultimately accepted the result.

Following the elections, two broad alliances emerged in the 500-seat National Assembly: the Alliance of the Presidential Majority (AMP), comprising 332 seats in support of President Kabila, and the Union for the Nation (UpN), comprising 116 seats and made up of parties that supported Bemba in his presidential bid.

Eleven provincial assemblies voted in the January 2007 Senate elections, granting the AMP 58 seats and the opposition UpN 21. Gubernatorial polls in 2007 handed 10 governorships to AMP-affiliated candidates and one to the UpN. Violence ensued after opposition members of provincial assemblies voted for progovernment gubernatorial candidates.

The country's democratic transition remained uncertain when fighting broke out in Kinshasa between the authorities and Bemba loyalists in March 2007. Bemba went into exile in Europe, adding to doubts as to whether Kabila would allow genuine political pluralism to emerge.

In November 2007, Kabila reduced the cabinet from 60 to 45 members but left major ministerial positions unchanged as he strove to keep the ruling 38-party alliance intact. The appointment of Katumba Mwanke as executive secretary of the AMP allowed the president to increasingly circumvent Antoine Gizenga's authority as prime minister amid growing tensions between the two. Gizenga ultimately resigned as prime minister in September 2008, citing health concerns. In October, Kabila appointed Adolphe Muzito, a member of Gizenga's Unified Party for Lumumba (PALU) and previously the minister of the budget, as prime minister.

The presence of armed groups remains a source of instability that has displaced at least 1.2 million people within the DRC, according to the United Nations. In November 2007, the governments of the DRC and Rwanda signed an agreement in Nairobi, Kenya, that focused on the repatriation of the Democratic Liberation Forces of Rwanda (FDLR), an ethnic Hutu-dominated militia group led by perpetrators of the 1994 Rwandan genocide who fled to the DRC and have never been disarmed. According to the agreement, the DRC government could commence military operations against the FDLR if they did not disarm by March 15, 2008. The deadline passed without incident, however, and the FDLR remains a major obstacle to regional security.

On January 23, 2008, a peace agreement was signed between the government and 22 armed groups operating in the eastern DRC. The pact called for a ceasefire and an amnesty law that covered the period since June 2003 and excluded war crimes. Notably, the FDLR and the Rwandan government were not included in the agreement, and violence in the area continued. Heavy fighting broke out in August 2008 between government troops and the ethnic Tutsi rebel leader Laurent Nkunda's National Congress for the Defense of the People (CNDP). In October, the government accused Rwanda of cross-border incursions to support the CNDP, while the Rwandan government alleged official DRC tolerance of the FDLR and its deploy-

ment against the Congolese Tutsi minority. These developments sparked fear that the fighting would again escalate into a wider regional war, and in November, it was reported that Angolan and Zimbabwean troops had joined the conflict to support the ineffective DRC army. As a result of increased violence since August, civilian displacement and human rights abuses have been increasing. Doctors Without Borders (MSF) reported treating 6,700 victims of sexual violence in North and South Kivu in 2008, and the recent conflict has displaced at least 250,000 people, adding to the one million people already displaced in this area. In addition, the Lord's Resistance Army (LRA) carried out a series of attacks in northern DRC in late December, resulting in the deaths of 865 civilians and the abduction of at least 160 children.

Competition to control earnings from the country's vast mineral wealth, which includes some of the world's most significant deposits of cobalt, diamonds, coltan, gold, and copper, has helped fuel the DRC's conflicts. The International Criminal Court (ICC) continues to pursue cases in the DRC, including those against rebel leaders Mathieu Ngudjolo Chui, Thomas Lubanga, and Germain Katanga, as well as exiled opposition leader Jean-Pierre Bemba, who was transferred to The Hague in July 2008. The ICC also issued a warrant in April 2008 for the arrest of Bosco Ntaganda, who currently serves in Nkunda's CNDP.

Aside from the serious violence in the eastern DRC, most parts of the country were relatively stable in 2008. However, all of the DRC has suffered severely under the combined effects of war, economic crisis, and the breakdown of political and social institutions. At least four million people have died since the conflict began in 1994, and humanitarian groups estimate that 1,000 people continue to die each day. Critical health and social services are nonexistent in many areas, and much of the country's infrastructure has disintegrated. Congo was ranked 168 out of 177 countries on the UN Development Programme's 2007/2008 Human Development Index.

The DRC was granted access to the International Monetary Fund/World Bank Heavily Indebted Poor Countries (HIPC) initiative in 2003. Despite significant efforts to restore economic vitality, the economy has yet to improve. President Kabila has tried to break with the tradition of printing money to meet budget shortfalls, but there have been reports that the central bank has counterfeited its own currency to make ends meet. In 2007, the country announced that it would sign a \$5 billion deal, the largest single loan to any African country, with China. In January 2008, a deal worth closer to \$9 billion was signed with China's Exim Bank. In return, China obtained a significant stake in a joint venture with Gecamines, the DRC's state mining company, as well as rights to two large mining concessions. The opaque terms of this loan package as well as the debt it entails are impeding negotiations between the government and the International Monetary Fund (IMF) over a new poverty-reduction and growth facility, which would replace an earlier agreement that ended in 2006.

**Political Rights and Civil Liberties:** The DRC is not an electoral democracy. The 2006 elections were a significant improvement over previous elections, but serious problems remained. The opposition Union for Social Democracy and Progress (UDPS) party did not participate as a result of the party leader's call for a boycott of the recent constitutional referendum. International observers noted voter registration irregularities and corruption. The campaign period included clashes between opposition militants and government forces as well

as an attempt on opposition leader Jean-Pierre Bemba's life. The 2007 Senate elections were similarly plagued by political corruption, with allegations of vote buying. Local elections initially scheduled for 2008 were delayed until at least 2009.

Under the new constitution, the president is elected to a five-year term, which is renewable once. The president nominates a prime minister from the leading party or coalition in the 500-seat National Assembly, the lower house of the bicameral legislature, whose members are popularly elected to serve five-year terms. The provincial assemblies elect the upper house, the 108-seat Senate, as well as the provincial governors, for five-year terms.

Of the approximately 247 registered political parties, only a dozen have broad representation. President Joseph Kabila's coalition, the AMP, currently holds 332 seats in the National Assembly and 58 in the Senate. The 2007 exile of Bemba, whose MLC is the largest opposition party, represented a severe blow to political pluralism.

In July 2008, MLC politician Daniel Botethi was killed in Kinshasa. Suspicions about the involvement of the Republic Guard led the MLC to suspend its participation in the parliament for one week and call for an investigation. In September, a military tribunal sentenced three soldiers and two civilians to death for Botethi's murder. One of the soldiers claimed that the Kinshasa governor, Andre Kimbuta, had ordered the killing, though he later recanted this allegation. That same month, the leader of a small opposition party was arrested and charged with "threatening state security" after he suggested that government members were involved in the Botethi murder.

Corruption is rampant in the DRC, particularly in the mining sector. The country held the bottom rank in the World Bank's 2008 Doing Business survey of 181 countries, and it was ranked 171 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. In 2006, the government approved new investment and mining codes and established a commercial court to protect foreign investment. The National Assembly's Lutundula Commission implicated a number of senior officials in corruption that year, some of whom were fired. In 2007, Kabila bowed to international pressure and announced a review of over 60 mining contracts with foreign companies, but rejected calls for independent oversight. The review was scheduled to end in September 2008, but was delayed after Prime Minister Antoine Gizenga's resignation. The first stage of the mining review was completed in March 2008, when the government published the findings that a total of 14 contracts were acceptable, 26 required negotiation, and 21 faced termination. The next phase of the review is to negotiate new contracts or to revise contract terms with mining companies. In October 2008, the government announced the results of a World Bank-backed, three-year review of logging contracts, stating that it would cancel more than two-thirds of the contracts and continue a moratorium on logging deals for another three years.

Although guaranteed by the constitution, freedoms of speech and expression are limited in practice. Independent journalists are frequently threatened, arrested, and attacked, and have occasionally been killed. Radio is the dominant medium in the country, which suffers from low literacy rates, narrow distribution of periodicals, and limited access to television and the internet. The United Nations and a Swiss-based organization, Fondation Hironnelle, launched Radio Okapi in 2002 to provide



voter and civic education as well as accurate news. The government banned 40 television and radio stations for improper licenses in 2007, and more were banned in 2008. In November, a Radio Okapi journalist, Didace Namujimbo, was shot and killed in Bukavu by unknown assailants—the second Radio Okapi murder since that of Serge Maheshe in 2007. Arrests and press intimidation also continued in 2008. Incidents included the March arrest of Nsimba Embete Ponte, editor of the biweekly publication *L'Interprete*, who was sentenced to 10 months in prison for allegedly insulting President Kabila. In October, security forces ransacked the offices of Global TV in Kinshasa, and its studio manager, Daudet Lukombo, was detained for 40 days after the station broadcast an opposition press conference. The government does not restrict access to the internet, but it is limited by poor infrastructure.

The constitution guarantees religious freedom, which is generally respected in practice, although religious groups must register with the government to be recognized. In February and March 2008, the national police carried out operations against Bundu Dia Kongo (BDK), a politico-religious movement based in Bas-Congo province. More than 150 BDK members were arrested, and at least 100 people were killed. The United Nations called for an investigation into these incidents and the government's heavy-handed approach, which the government rejected. In October, nine of the arrested BDK members were sentenced to death; four others died while in detention. The government also made the movement illegal by revoking its authorization to operate as a social and cultural organization. Academic freedom is effectively restricted by fears of government harassment, which often lead university professors to engage in self-censorship.

The rights to freedom of assembly and association are sometimes limited under the pretext of maintaining public order, and groups holding public events must inform local authorities in advance. Opposition politician Gilbert Kiakwama from Bas Congo, who had attempted to mediate the violent events of February, made a political tour of the region in April, but Kabila party supporters and Republican Guards routinely disrupted his meetings. When Kiakwama attempt to speak out about these abuses before the National Assembly, he was barred from showing video footage of the events. Nongovernmental organizations (NGOs) are able to operate, but they face pressure from the government and nonstate actors if they offend powerful interests. In addition, armed groups increasingly targeted NGOs operating in eastern DRC after the resumption of large-scale conflict in August. Labor unions, though legal, exist only in urban areas and are largely inactive. Some unions are affiliated with political parties, and labor leaders and activists have faced harassment. In 2008, there were strikes by transport workers, health-care workers, teachers, and magistrates, who were concerned about low salaries and delayed remuneration.

Despite guarantees of independence, the judiciary remains subject to corruption and manipulation, and the judicial system lacks both trained personnel and resources. Prison conditions are often abysmal, and long periods of pretrial detention are common.

Civilian authorities do not maintain effective control of the security forces. Soldiers and police regularly commit serious human rights abuses, including rape. Low pay and inadequate provisions commonly lead soldiers to seize goods from civilians, and demobilized combatants have not been successfully integrated into the

civilian economy. The integration of former rebel soldiers into the military has resulted in competing chains of command and factional conflicts, with many fighters answering to former commanders and political leaders rather than formal superiors. Numerous civilians who were victims of war crimes committed by these soldiers are being threatened not to seek justice. Societal discrimination based on ethnicity is practiced widely among the country's 200 ethnic groups, particularly against the various indigenous Pygmy tribes and the Congolese Banyamulenge Tutsis. The ongoing fighting in the eastern Kivu region is driven in part by ethnic rivalries.

Although the law provides for freedom of movement, security forces seeking bribes or travel permits restrict it, and foreigners must regularly submit to immigration controls when traveling internally. In conflict zones, various armed groups and soldiers have seized private property and destroyed homes.

Despite constitutional guarantees, women face discrimination in nearly every aspect of their lives, especially in rural areas, where there is little government presence. Violence against women, including rape and sexual slavery, has soared since fighting began in 1994. In June 2008, more than 2,000 rape cases were recorded in North Kivu province, according to the Congo Advocacy Coalition. Congolese women are also subjugated as agricultural laborers, and armed groups regularly loot their harvests. Abortion is prohibited. Save the Children has ranked the DRC among the world's five worst conflict zones in which to be a woman or child. The number of abducted child soldiers continues to increase, with a sharp rise reported as fighting intensified in late 2008.

## Congo, Republic of (Brazzaville)

**Population:** 3,800,000

**Capital:** Brazzaville

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,4PF	5,4PF	6,4PF	5,4PF	5,4PF	5,5PF	6,5NF	6,5NF	6,5NF

### Overview:

In late 2007, President Denis Sassou-Nguesso created a 60-party political coalition, the Rally of the Presidential Majority (RMP), to broaden his support ahead of the 2009 presidential election. The bloc performed well in local elections in June, capturing a sizable majority of council seats. In early 2008, the government settled a long-running dispute with its creditors, who in the past had accused Congo of hiding oil revenues and refusing to pay its debts.

Congo's history since independence from France in 1960 has been marked by armed conflict and a series of coups. Army officer Marien Ngouabi seized power in 1968 but was assassinated in 1977, when Colonel (later General) Joachim Yhomby-Opango took over. Colonel Denis Sassou-Nguesso, then the defense minister, overthrew Yhomby-Opango two years later. Domestic and international pressure forced Sassou-Nguesso to convene a national conference and hold multiparty presidential elections in 1992. He lost, coming in third in the first round. In the runoff, former prime minister Pascal Lissouba defeated Bernard Kolelas.

Disputed parliamentary elections in 1993 triggered violent clashes between rival militia groups. The fighting ended in 1997, when Sassou-Nguesso ousted Lissouba with the help of Angolan troops and French political support. Lissouba, who fled into exile, was convicted in absentia in 2001 on treason and corruption charges. Kolelas, a former mayor of Brazzaville and founder of the dreaded "Ninja" militia, was accused of war crimes and sentenced to death in absentia in 2000, but he was granted amnesty in 2005 and returned to Congo.

Sassou-Nguesso oversaw the adoption of a new constitution by referendum in 2002. He won the presidential election that year with more than 89 percent of the vote after his main challenger, former National Assembly president Andre Milongo, claimed that the vote was rigged and withdrew. In the 2002 legislative elections, Sassou-Nguesso's Congolese Labor Party (PCT) and its allies obtained about 90 percent of the seats. The polls failed to foster genuine reconciliation and dialogue, although a March 2003 peace agreement was signed by virtually all of the country's rebel factions. This enabled the government, with World Bank support, to launch a program to demobilize an estimated 30,000 combatants and retrieve thousands of illegal weapons.

The 2007 legislative elections were boycotted by the main opposition parties after the government ignored calls to create an independent electoral commission. The PCT and its allies won 125 out of 137 seats in the National Assembly. Given the opposition boycott, the participation of Frederic Bintsangou's National Resistance Council (CNR), a former rebel group based in the southern Pool region, was hailed as a major step toward peace. The president appointed Bintsangou as minister of state for humanitarian affairs in 2007 as part of a peace agreement, but he has yet to take up this position.

In December 2007, Sassou-Nguesso made minor cabinet changes following the release of the by-election results. Notably, members of the second-largest party in the National Assembly, Kolelas's Congolese Movement for Democracy and Integral Development (MCDDI), were included in government for the first time.

In early 2008, a new political coalition, the Rally of the Presidential Majority (RMP), was formed by 60 parties. The bloc, led by the PCT, was seeking to broaden the government's support ahead of the 2009 elections; the PCT's base was largely limited to northern parts of the country. While the MCDDI had not yet joined the RMP at year's end, its inclusion in the government strengthened its ties with the ruling party.

Local elections took place in June 2008 amid low voter turnout. The RMP made a strong showing, winning 564 out of 864 council seats. Councilors from seven departments subsequently elected members of the national Senate, marking the first time the departments of Pool and Pointe-Noire chose senators. The RMP secured 34

out of the 42 seats in the Senate. In preparation for the 2009 presidential elections, the government has stated that it will update the electoral registry rather than carry out a new voter census, which has been criticized by opposition leaders. By the end of 2008, the government continued to refuse to establish an independent electoral commission, and one opposition party, the Union for Democracy and the Republic-Mwinda (UDR-Mwinda), declared that it would boycott the election unless this were to change.

Congo is one of sub-Saharan Africa's major oil producers, which has led to strong economic ties with France and other European states. In 2004, the Paris Club of creditor countries granted Congo a significant debt write-off, followed in 2007 by a similar write-off from the London Club. In early 2008, the government settled a long-running dispute with its creditors who in the past had accused Congo of hiding oil revenues and refusing to pay its debts. In June, the government signed a new staff-monitored program (SMP) with the International Monetary Fund (IMF), which may help the country meet the completion point of the Heavily Indebted Poor Countries (HIPC) initiative and thereby qualify for more debt relief. However, the government was expected to come under pressure to increase spending ahead of the 2009 presidential election.

Despite Congo's natural wealth, corruption and decades of instability have worsened humanitarian conditions. Congo ranked 139 out of 177 countries on the 2007/2008 UN Human Development Index. However, in 2008, Doctors Without Borders (MSF) decided to wrap up its operations in the Pool region due to improved humanitarian conditions, and a new national disarmament, demobilization, and reintegration (DDR) program was launched for some 30,000 former combatants.

**Political Rights and Civil Liberties:** The Republic of Congo is not an electoral democracy. Elections held in 2002 and 2007 were not deemed fair, largely because of irregularities and the absence of an independent electoral commission. The 2008 local elections were peaceful and much better organized than the 2007 legislative elections, which were disorganized and marred by irregularities, but had similarly low voter turnout. The amended constitution of 2002 limits the president to two seven-year terms. The bicameral Parliament comprises a 66-seat Senate and a 137-seat National Assembly; members of both houses are elected for five-year terms, but senators are chosen by lawmakers at the department level rather than by popular vote. Most of the over 200 registered political parties are personality driven and ethnically based. The ruling coalition faces a weak and fragmented political opposition.

Corruption in Congo's extractive industries remains pervasive. According to the IMF and World Bank, the government maintains inadequate internal controls and accounting systems. In November 2007, Congo was readmitted into the diamond trade's Kimberly Process after a three-year expulsion due to discrepancies between production and exports. In early 2008, the Anti-Corruption Observatory (ACO) became operational. Parliament passed a law creating this body in 2007, and it is tasked with increasing transparency and government accountability. In February 2008, Congo became an Extractive Industries Transparency Initiative (EITI) Candidate Country after satisfying four sign-up indicators.

President Denis Sassou-Nguesso and his family have been beset by allegations

of graft. In 2008, the watchdog organization Global Witness publicized the spending habits of one of the president's sons, Denis Christel Sassou-Nguesso. The organization reported extravagant credit-card purchases and evidence of state oil company kickbacks. Congo was ranked 158 out of 180 countries surveyed in Transparency International's 2008 Corruption Perception Index.

Despite the abolition of censorship and the introduction of reduced penalties for defamation in 2000, the government's respect for press freedom is limited. Several cases of journalists being assaulted or arrested were reported in 2008. In September, the International Federation of Journalists (IFJ) called for an investigation into the assault of journalist Giscard Mahoungou by Congolese police while covering a student protest. Speech that incites ethnic hatred, violence, or civil war is illegal. The government monopolizes the broadcast media, which reach a much larger audience than print publications. However, about 10 private newspapers that appear weekly in Brazzaville often publish articles and editorials that are critical of the government. There are no government restrictions on internet access.

Religious and academic freedoms are guaranteed and respected. Freedoms of assembly and association are generally upheld, although public demonstrations are rare. Nongovernmental organizations operate more or less without interference. Workers' rights to join trade unions and to strike are legally protected, and collective bargaining is practiced freely. Most workers in the formal business sector, including the oil industry, are union members, and unions have made efforts to organize informal sectors, such as agriculture and retail trade.

Congo's weak judiciary is subject to corruption and political influence. Members of the country's poorly coordinated security forces act with impunity in committing human rights abuses, and there have been reports of suspects dying during apprehension or in custody. Prison conditions are life threatening. Women and men, as well as juveniles and adults, are incarcerated together, and rape is common.

Ethnic discrimination persists. Members of Sassou-Nguesso's northern ethnic group and related clans dominate key posts in government. Pygmy groups suffer discrimination, and many are effectively held in lifetime servitude through customary ties to ethnic Bantu "patrons." One small positive development occurred in March 2008, when the High Court approved an indictment on charges relating to the forced disappearance 19 years ago of a child from an indigenous family. Members of virtually all ethnicities favor their own groups in hiring practices, and urban neighborhoods tend to be segregated.

Harassment by military personnel and militia groups inhibits travel, though such practices have declined. Congo's judicial system offers few protections for business and property rights. The country ranked 178 out of 181 nations surveyed in the World Bank's 2008 Doing Business index.

Despite constitutional safeguards, legal and societal discrimination against women persists. Access to education and employment, especially in the countryside, is limited, and civil codes and traditional practices regarding family and marriage formalize women's inferior status; for example, adultery is illegal for women but not for men. Under traditional or common-law marriages, widows often do not inherit any portion of their spouses' estates and divorce is financially difficult for women. Violence against women is reportedly widespread. Abortion is prohibited.

## Costa Rica

**Population:** 4,500,000

**Capital:** San José

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Costa Rica experienced an increase in violent and organized crime in 2008. The security minister resigned after suggesting that politicians had ties to criminal groups, and two former presidents went on trial for alleged corruption. Meanwhile, President Oscar Arias failed to secure long-delayed congressional approval for a regional free-trade agreement by year's end. Conditions worsened for the poorest segments of the population due to inflation and the rising cost of living.

Costa Rica achieved independence from Spain in 1821 and gained full sovereignty in 1838. For most of its subsequent history, the country enjoyed relative political stability, with an economy based on agricultural exports. In 1948, Jose "Pepe" Figueres launched a 40-day civil war to restore power to the rightful winner of that year's presidential election, and he successfully pushed to disband Costa Rica's military. In 1949, the country adopted a new constitution that ultimately strengthened democratic rule. Figueres later served as president for two separate terms under the banner of the National Liberation Party (PLN). Since 1949, power has alternated between the PLN and the Social Christian Unity Party (PUSC).

The PUSC's Abel Pacheco won the 2002 presidential election, succeeding Miguel Angel Rodriguez, also of the PUSC. However, in 2006, former president Oscar Arias recaptured the presidency for the PLN, narrowly defeating Citizens' Action Party (PAC) candidate Otton Solis. Meanwhile, the PUSC lost its former prominence after Rodriguez was sentenced on corruption charges. The 2006 balloting also resulted in a divided Legislative Assembly; the PLN won 25 seats, the PAC 17, the Libertarian Movement Party (PML) 6, and the PUSC 5. Other small parties won the remaining 4 seats.

In October 2008, Vice President Laura Chinchilla, who also served as justice minister, resigned with the intention of seeking the PLN presidential nomination in 2009, ahead of the 2010 election. San Jose mayor Johnny Araya and former security minister Fernando Berrocal were also expected to compete for the PLN nomination.

Berrocal had resigned as security minister in March 2008 after suggesting that possible links between the Revolutionary Armed Forces of Colombia (FARC) rebel group and Costa Rican politicians had been discovered on a laptop seized by Colombian authorities during a raid. Amid broader concern about crime and drug traf-

ficking, the government in May announced the creation of a new entity to fight organized crime. Also during the year, police began an anticrime initiative focusing on Limon, where 15 officers were dismissed on corruption charges. About 1,500 police corruption cases remain open in Costa Rica, but only 103 officers have been dismissed on corruption charges in the past six years.

The Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) with the United States, which Costa Rican voters had narrowly approved in an October 2007 referendum, had yet to secure congressional ratification at the end of 2008. In September 2008, Costa Rica's Supreme Court struck down an intellectual property rights law that was crucial to the pact, finding that it violated the constitution. The country was granted a 90-day extension on October 1, during which time it had to pass 13 remaining bills associated with the treaty.

While quality of life in Costa Rica is relatively high for the region, incomes have declined for the bottom fifth of the population in recent years, and economic growth is hampered by the national debt, inflation, and a rising cost of living. Since 2001, Costa Rica's rank in the UN Development Programme (UNDP) Human Development Index has consistently worsened; it placed 48 out of 177 countries surveyed in the 2008 index.

**Political Rights and Civil Liberties:** Costa Rica is an electoral democracy. Legislative and presidential elections held in 2006 were generally considered free and fair. The president and members of the 57-seat, unicameral Legislative Assembly are elected for single four-year terms; they were banned from seeking a nonconsecutive second term until the rule was overturned in 2003. The main political parties are the PNL, the PAC, the PML, and the PUSC. There are 22 women in the Legislative Assembly, including seven committee chairwomen. There is one black member, but there are no indigenous members. A special chamber of the Supreme Court chooses an independent national election commission.

Every president since 1990 has been accused of corruption after leaving office. In 2005, investigators reopened a probe into alleged illegal donations to former president Abel Pacheco's 2002 presidential campaign by French telecommunications firm Alcatel and a Taiwanese businessman, in addition to suspected kickbacks from other foreign firms. Former president Miguel Angel Rodriguez (1998-2002) began pretrial proceedings in September 2008 for allegedly taking illegal campaign financing from Taiwan's government and a bribe of \$1.4 million from Alcatel. Meanwhile, former Alcatel executive Christian Sapsizian was sentenced in a U.S. court in September 2008 after admitting to paying \$2.5 million in bribes to Costa Rican officials between 2000 and 2004. Former president Rafael Angel Calderon (1990-94) was convicted in February 2008 of taking an US\$800,000 kickback from the Finnish firm Instrumentarium. He faced trial again in November 2008 on charges related to a loan from the Finnish government to the Caja Costarricense de Seguro Social, a government institution. Costa Rica was ranked 47 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The Costa Rican media are generally free from state interference. There are six privately owned dailies, and 90 percent of the population is literate. Both public and commercial broadcast outlets are available, including at least four private television stations and more than 100 private radio stations. The government had not modern-

ized its defamation laws or removed excessive penalties as of the end of 2008. However, in September the Supreme Court ruled in favor of journalists' right to protect confidential sources. An Open Society Institute (OSI) report in 2008 shed light on the abuse of government advertising and direct pressure from senior officials to influence media content. OSI has called on Costa Rica to pass legislation to regulate government advertising and adopt a law on access to information for public bodies. Internet access is unrestricted.

Freedom of religion is recognized, and there is complete academic freedom.

The constitution provides for freedom of assembly and association, and numerous nongovernmental organizations (NGOs) are active. Although labor unions organize and mount frequent protests with minimal governmental restraint, employers often ignore minimum-wage and social security laws, and the resulting fines are insignificant.

The judicial branch is independent, with members elected by the legislature. There are often substantial delays in the judicial process, including long pretrial detention. In May 2008, three judges from the Administrative Environmental Tribunal reported receiving death threats after working on a real-estate development case. Prisons are notoriously overcrowded and offer inadequate medical services, though the government has made efforts to reduce overcrowding. There have been some police brutality complaints, which are collected by an ombudsman's office.

In 2006, the UNDP reported that 38.7 percent of Costa Rican households had been affected by some form of violence, and 77 percent of citizens perceived the country to be unsafe. Rates of violence and delinquency by minors increased by 145 percent between 2006 and 2007. The number of homicides in Costa Rica has also risen in recent years, from 349 homicides committed in 2007 to 435 in 2008. The number of homicides in the capital, San Jose, also rose from 172 in 2007 to 214 in 2008, but the largest increase was seen in Cartago, where the number of homicides doubled in 2008.

At least 500,000 Nicaraguan immigrants live in the country illegally, and a 2006 law permits security forces to raid any home, business, or vehicle where they suspect the presence of undocumented immigrants, who can be detained indefinitely. There have been reports of abuse and extortion of migrants by the Border Guard.

Indigenous rights are not a government priority, and it is estimated by NGOs that about 73 percent of the country's 70,000 indigenous people have little access to health and education services, electricity, or potable water. The infant mortality rate in indigenous communities is 13.1 per 1,000 births and can reach 18.4 in some areas, compared with a national rate of 9.2. According to UNICEF, only 21 percent of indigenous youth have more than a primary school education, and just 0.001 percent attend college. Costa Ricans of African descent have also faced racial and economic discrimination.

Women still face discrimination in the economic realm, and only about a third of the economically active population is female. Most female employment is in the informal sector, where women on average earn 50 percent less than men. According to a study cited by Inforpress Centroamericana, Costa Rica is ranked 128 out of 144 countries rated for gender equality in the workplace.

Violence against women and children is a major problem. The number of female homicides in Costa Rica more than doubled from the previous year, with 16 reported



in 2007 and 37 reported in 2008. Costa Rica in June 2008 passed a law banning the physical punishment of children. The National Children's Hospital receives two to three cases of physical child abuse a day. An increasing number of sex tourists visit Costa Rica, and a 1999 law criminalizing sex with minors has failed to curb the problem. The Patronato Nacional de la Infancia reports that approximately 3,500 children were victims of sexual exploitation in 2007. Costa Rica is also a transit and destination country for trafficked persons. In 2005, the Judicial Investigative Police created a new unit dedicated to combating human trafficking, but few of the hundreds of investigations launched resulted in convictions. Among other provisions, a law passed in July 2007 criminalizes the possession of child pornography and makes sex with minors punishable by 13 to 16 years in prison.

## Cote d'Ivoire

**Population:** 20,700,000

**Capital:** Yamoussoukro (official); Abidjan (de facto)

**Political Rights:** 6\*

**Civil Liberties:** 5

**Status:** Not Free



**Ratings Change:** Cote d'Ivoire's political rights rating improved from 7 to 6 due to progress in the distribution of identity cards and voter registration, particularly among religious and ethnic minorities, in advance of the upcoming presidential election.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,4NF	6,5PF	5,4PF	6,6NF	6,5NF	6,6NF	6,6NF	7,6NF	7,5NF	6,5NF

### Overview:

Preparations for the long-delayed presidential election proceeded in 2008 following the signing of a peace accord between President Laurent Gbagbo and rebel leader Guillaume Soro in 2007. There was some progress in identifying and registering voters during the year, as well as distributing identity cards, particularly among religious and ethnic minorities. Nevertheless, efforts to disarm militias and rebel forces met with resistance from both sides, and the elections were postponed until 2009.

Cote d'Ivoire gained independence from France in 1960, and President Felix Houphouet-Boigny ruled until his death in 1993. Henri Konan Bedie, then the speaker of the National Assembly, assumed power and won a fraudulent election in 1995. Opposition candidate Alassane Ouattara was disqualified on the grounds of his alleged Burkinabe origins.

General Robert Guei seized power in 1999 and declared himself the winner of a

2000 presidential election when initial results showed that he was losing to Laurent Gbagbo. He was soon toppled by a popular uprising, and Gbagbo, supported by security forces, refused to call new polls. The postelection violence cost hundreds of civilian lives and deepened the divisions between north and south as well as between Muslims and Christians. In the 2000 legislative elections, Gbagbo's Ivorian Popular Front (FPI) won 96 seats, while Ouattara's Rally of Republicans (RDR) took only 5.

Civil war erupted in September 2002, when some 700 soldiers mounted a coup attempt. Under unclear circumstances, government forces killed Guei in Abidjan on the first day of fighting. Clashes intensified between loyalist troops and the rebels, who quickly seized the north and called for Gbagbo to step down. This call was echoed by similar forces in the west. By December 2002, the rebel factions had united to form the New Forces (NF), led by Guillaume Soro.

In 2003, Gbagbo's government and the NF signed a ceasefire brokered by France, but it soon broke down. In 2004, following the deaths of nine French peacekeepers in a government bombing campaign against the NF, France destroyed the Ivorian Air Force and—with the backing of the African Union (AU)—persuaded the UN Security Council to impose a strict arms embargo on the country. In April 2005, South African president Thabo Mbeki brokered a new peace accord that set general elections for the end of that year. However, because the requisite disarmament and poll preparations were not completed in time, the AU postponed the elections, extended Gbagbo's term, and appointed an interim prime minister, economist Charles Konan Banny.

Similar disarmament and voter-identification delays prevented elections from taking place in 2006, and Gbagbo ended the identification process after the progovernment Young Patriot militia violently intimidated those going to register in the south, resulting in a number of fatalities. The disarmament process was halted when it became obvious that fighters were attempting to sign up without handing over weapons. With the expiration of Gbagbo's extended mandate in October 2006, the UN Security Council passed a resolution transferring all political and military power to the prime minister until the next elections. But Gbagbo refused to accept it and instead called for the removal of all foreign troops.

Gbagbo and Soro met in Burkina Faso in March 2007 and signed a bilateral peace accord in which the UN plan was discarded and Soro was appointed interim prime minister until elections could be held in 2008. Although opposition political parties were essentially left out of the talks, the accord was widely accepted due to its greater chance of success than any of the prior agreements reached. Also during 2007, Gbagbo visited the north for the first time since 2002, the last remaining NF troops being held in the south were released, and the "confidence zone" separating the north from the south was officially dismantled.

The elections, initially expected in early 2008, were postponed until November when they were again postponed without agreement about a new date. Several conditions must be met in order for elections to take place, including the distribution of identity cards, the creation of an electoral registry, the reintegration of rebel forces into the army, the disarming of other rebel groups, and the restoration of political administration in the north. There was more progress on some of these measures in 2008 than in any previous year, particularly the reestablishment of a civil administra-

tion in the north and the identification of voters. The Justice Ministry claimed to have issued 586,755 new birth certificates (a requirement in order to be eligible to vote) as of April, including many in the north, though some remote regions were not reached. The government also hired a French company, SAGEM, to conduct voter registration. However, the firm judged the November deadline to be unrealistic, and overall, the year's preparations were not sufficient for elections to be held fairly. Nevertheless, the successful identification of voters was a significant step forward in a process that has been marked by more failure than progress.

Ongoing efforts to disarm all militias and reintegrate rebel troops into the military were markedly less successful than the voter identification drive. By June, 2,600 combatants had been regrouped, including 1,200 who joined the national army. Nonetheless, there was vocal opposition to the process from both sides. A UN report in April noted with some alarm that military forces from both sides had been training outside of Cote d'Ivoire during the year. Moreover, no agreement was reached on the salary and rank of former NF officers in the new army, and the government's inability to pay demobilization allowances as promised led to a number of violent protests. The United Nations launched a \$5 million project to help accelerate the process and provide technical and vocational training to former combatants and young Ivoirians at risk of falling into crime.

In April, during a visit by the UN secretary-general, all sides signed a preelection code of conduct in which they promised, among other things, to provide equal access to the state media and refrain from voter intimidation. It remained to be seen whether these promises would be respected, but the electoral environment was better in 2008 than it had been for many years.

Also in 2008, revenues from the crucial cocoa and petroleum sectors began to deteriorate, and the government took steps to root out corruption in the cocoa industry. Efforts to obtain sufficient funds to finance the elections dominated the government's economic agenda during the year. Eventually, officials were able to secure the necessary US\$86 million from the European Union, the UN Development Programme, and the government's own resources.

**Political Rights and Civil Liberties:** Cote d'Ivoire is not an electoral democracy. The constitution provides for the popular election of a president and a 225-seat unicameral National Assembly for five-year terms. However, legislative and presidential elections have been repeatedly postponed as the peace process has stalled, and both branches are essentially governing without a mandate. Elections cannot be held until identification cards are distributed and both the NF and progovernment militias are disarmed. There was some progress on these fronts in 2008, but it was not sufficient to hold fair elections during the year. The president traditionally appoints the prime minister; in 2007, President Laurent Gbagbo replaced UN-backed prime minister Charles Konan Banny with NF leader Guillaume Soro in keeping with that year's bilateral accord. Gbagbo's FPI won an overwhelming number of seats in the most recent legislative elections, in December 2000. Other major parties include the Democratic Party of Cote d'Ivoire-African Democratic Rally and the RDR.

Corruption is a serious problem in Cote d'Ivoire. Profits from cocoa, cotton, and weapons, as well as informal taxes, have given many of those in power—including

members of the military and rebel forces—an incentive to obstruct peace and political normalization. The government made some moves to combat corruption in the cocoa sector in 2008 in response to widespread corruption and mismanagement allegations. During the year, it established a cocoa management committee intended to oversee operations of the sector and began conducting a court investigation into high-level corruption. As a result, several leading industry officials were temporarily detained and questioned, including the former agriculture minister. Cote d'Ivoire ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Despite constitutional protections for press freedom, it is generally not respected in practice, though the situation seems to have improved slightly from 2007 based on a reduction in the number of defamation suits and reports of violence against journalists. In April 2008, all political parties accepted the United Nations' recommended preconditions for successful elections, including equal access to the state media for all parties and a moratorium on inflammatory language and hate speech during the campaign. However, soon after this was agreed upon, a number of local media outlets—many of which are regarded as highly partisan—accused various politicians of violating the hate-speech provision. Separately, in February, the government indefinitely suspended FM broadcasts of Radio France Internationale, allegedly because the service failed to appoint a permanent correspondent for Cote d'Ivoire.

Legal guarantees of religious freedom were generally respected in practice in 2008. In the past, the government has shown a preference for Christians, particularly as the north-south divide corresponds roughly with the Muslim and Christian populations. In 2006, local Abidjan officials unsuccessfully attempted to destroy a mosque to make space for a shopping center, but direct attacks on Muslims have noticeably decreased in recent years. The marginal success of the voter identification and registration process in the north in 2008 eased Muslim complaints about discrimination to some degree.

The government, which owns most educational facilities, inhibits academic freedom by requiring authorization for all political meetings held on college campuses. However, the greatest restriction on academic freedom is the impunity enjoyed by the progovernment Student Federation of Cote d'Ivoire (FESCI), which engages in systematic violent intimidation of students, particularly those at the University of Abidjan, or those believed to harbor sympathies for the NF. In a 2008 report on the state of Cote d'Ivoire's schools, Human Rights Watch found that FESCI was responsible for "politically and criminally motivated violence, including murder, assault, extortion, and rape."

The constitution protects the right to free assembly, but it is often denied in practice. In recent years, opposition demonstrations have been violently dispersed by progovernment forces like FESCI and the Young Patriots, leaving many dead. There have been a number of peaceful antigovernment demonstrations, but a two-day protest in March 2008 over rising food prices in Abidjan turned violent, and a July protest over the government's decision to end fuel subsidies crippled the country. The government responded to the latter protest by reinstating subsidies for diesel and kerosene, increasing the transportation allowance, and decreasing ministers' salaries by 10 percent to compensate.

Human rights groups generally operate freely, although some face death threats

and harassment. Labor unions are legally protected, and workers have the right to bargain collectively. In January 2008, the influential farmers' union in the cocoa sector split into two factions, causing more chaos in an already disorganized industry. Separately, the second phase of public hearings on voter identification, set to begin in August, was temporarily put on hold after the union of registration clerks went on strike to demand better security details and payment of their allowances in full.

The judiciary is not independent. Judges are political appointees without tenure and are highly susceptible to external interference and bribes. A June 2007 report by the UN Mission in Cote d'Ivoire found that corruption was endemic to the judicial system. In 2008, judges and clerks began to redeploy to the north, but they often encountered resistance from NF soldiers who were unwilling to relinquish authority.

Cote d'Ivoire's cocoa and other industries have historically attracted and depended on workers from neighboring countries, but conflicts between immigrant populations and longer-term residents, coupled with the xenophobic concept of *Ivoirite*, have contributed to the current political crisis. The disenfranchisement of many in the north who were born in Cote d'Ivoire but whose families originated in countries like Burkina Faso and Guinea is one of the primary concerns of the NF. The preliminary success of the voter-identification process in 2008 has begun to ease these tensions. Nonetheless, the fact that a strong and inclusive national identity has failed to emerge despite the success of the peace process is cause for caution ahead of the elections, as political parties typically form along ethnic and religious lines.

The United Nations began to dismantle the internal border between the government-controlled south and rebel-held north after the 2007 peace accord, and the last of the international checkpoints was removed in September of that year. Nonetheless, vigilante roadblocks continue to serve as platforms for criminal activity and have stoked human rights groups' concerns about an increase in cases of rape. A July report by the Integrated Regional Information Networks (IRIN) news service found that rape increased across the country between April and July 2008.

Child labor and child trafficking are problems throughout West Africa, but Cote d'Ivoire has made a number of symbolic efforts to combat them. Even so, tens of thousands of children from all over the region are believed to be working on Ivorian plantations. Many of the female children who are trafficked end up in prostitution; a 2007 German study found that 85 percent of females in prostitution in Cote d'Ivoire were juveniles.

Despite official encouragement of their constitutional rights, women suffer widespread discrimination. Equal pay is offered in the small formal business sector, but women have few chances of obtaining formal employment. In 2007, both Human Rights Watch and Amnesty International released studies on the widespread instances of sexual abuse perpetrated by both government and rebel forces during the civil war. Although the government has officially recognized the problem, none of the culprits have been prosecuted.

## Croatia

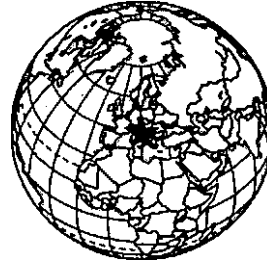
**Population:** 4,400,000

**Capital:** Zagreb

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	2,3F	2,2P	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

**Overview:** Following weeks of negotiations, a new government led by incumbent prime minister Ivo Sanader took office in January 2008. In April, Croatia was formally invited to join NATO, a long-held goal. Also during the year, a series of violent attacks raised concerns about organized crime. As part of the government response, Sanader replaced the country's justice and interior ministers.

As part of the Socialist Federal Republic of Yugoslavia, Croatia held its first multiparty elections in 1990, and former general Franjo Tudjman won the presidency. He and his nationalist Croatian Democratic Union (HDZ) went on to rule Croatia until 1999. Even as the country declared independence from Yugoslavia in 1991, the predominantly Serb region known as Krajina declared its independence from Croatia, resulting in a de facto partition. In 1995, Croatian military offensives overran the Serb enclave, and a majority of Croatia's Serbs either fled or were forcibly expelled from the country.

Tudjman died in December 1999, and voters in a January 2000 presidential election chose Stjepan Mesic, who ran with the backing of four allied parties. In that month's legislative elections, a center-left coalition wrested control of parliament from the HDZ. The leader of the Social Democratic Party (SDP, the former League of Communists of Croatia), Ivica Racan, was named prime minister.

The HDZ, under the leadership of Ivo Sanader, returned to power in 2003 and repositioned itself as a standard center-right party, although some of its more controversial nationalist figures remained in influential positions. Sanader's government worked to meet the conditions for European Union (EU) accession, including full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, the Netherlands. The top Croatian war crimes suspect, Ante Gotovina, was arrested in Spain in 2005 and went on trial in March 2008.

The HDZ led November 2007 parliamentary elections with 36.6 percent of the votes, followed by the SDP with 31.2 percent. According to the Organization for Security and Cooperation in Europe (OSCE), the elections were free, fair, and transparent. New laws on the State Electoral Commission (SEC), voter lists, and party financing had been enacted in 2006 and 2007 to remedy previous electoral problems.

Still, the OSCE noted that the government needed to take additional steps, such as making the SEC permanent and adding a provision requiring full transparency in campaign spending.

Following weeks of negotiations, Sanader's new government took office in January 2008. The HDZ formed the governing coalition with the Croatian Peasant Party (HSS), the Croatian Social Liberal Party (HSLP), and seven out of eight ethnic minority representatives. Those included three members of the Independent Serbian Democratic Party (SDSS). One of the new cabinet's four deputy prime ministers was a Serb.

Despite institutional measures to fight organized crime, a series of violent attacks in 2008 raised serious concerns about the country's internal security. One of the worst incidents was the October murder of the owner and editor in chief of the Nacional newspaper group, Ivo Pukanic, and one of his managers, Niko Franjic. The men were killed by a bomb placed under Pukanic's car in Zagreb. Pukanic, an investigative journalist who wrote frequently about corruption and organized crime, was known to have connections to sources in the criminal underworld. The bombing came less than a month after Ivana Hodak, the daughter of a prominent attorney, was shot dead in the building where she lived. As part of its response to the violence, the government replaced several key officials, including the justice and interior ministers. The police arrested 10 individuals in connection to the Pukanic-Franjic murders in November, all of whom were described by the government as "dangerous members of the underworld."

Croatia was formally invited to join NATO in April 2008, paving the way for accession in 2009. The country also continued accession negotiations with the EU, having passed numerous measures to bring its laws into compliance with EU standards. However, slow progress on judicial reform and the fight against corruption remained serious obstacles.

**Political Rights and Civil Liberties:** Croatia is an electoral democracy. Both the 2005 presidential poll and the 2007 parliamentary elections were deemed generally free and fair. The parliament is a unicameral body composed of 140 members from geographical districts, 8 representing ethnic minorities, and a variable number representing Croatians living abroad, for a current total of 153 members. All members are elected to four-year terms. The largest parties are the HDZ and SDP, but several smaller parties, including the HSS-HSLP coalition and the Croatian People's Party (HNS), have won representation in the parliament. The president, who serves as head of state, is elected by popular vote for a five-year term, with a maximum of two terms. The prime minister is appointed by the president but must be approved by the parliament.

Corruption remains a problem in Croatia, often driven by a nexus of security institutions and businesspeople. Organized crime tied to political and business interests is thought to be behind at least some of the recent violence. According to a 2008 European Commission report, the legal framework for combating corruption has improved, and the Office for the Fight against Corruption (USKOK) has become more active. Egregious cases of lower-level corruption have recently captured public attention. In August 2008, surgeon Ognjen Simic was sentenced to nine years in prison—the most severe corruption sentence to date—for taking bribes from 18

patients who needed urgent heart surgery; Simic fled to Bosnia before being incarcerated. In October, over 90 individuals—including professors, students, and university staff—were detained in a crackdown on bribery in higher education. Croatia was ranked 62 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution guarantees freedoms of expression and the press, and these rights are generally respected in practice. However, reporters remain vulnerable to political pressure, and several prominent journalists have alleged that the media are becoming increasingly beholden to the interests of powerful advertisers. Moreover, intimidation of journalists working on corruption issues has gained prominence. In February 2008, a Radio Ogulin journalist alleged that his salary was lowered because he criticized a cabinet minister. In June, journalist Dusan Miljus was badly beaten near his home in Zagreb, and in July, his family received threats warning him to stop his investigative reporting on organized crime and corruption. Access to the internet is unrestricted.

Freedom of religion is guaranteed by the constitution. A group needs at least 500 members and five years of operation as a registered association to be recognized as a religious organization. Members of the Serbian Orthodox Church continue to report cases of intimidation and vandalism, although the number of such incidents appears to be declining.

The constitution provides for freedoms of association and assembly. A variety of both international and domestic nongovernmental organizations (NGOs) operate in Croatia, and there were no reported instances of governmental harassment of NGOs during 2008. The constitution allows workers to form and join trade unions, and they do so freely. Approximately 64 percent of the workforce is unionized.

The judicial system suffers from numerous problems, most notably inefficiency. Personnel shortages have led to a huge backlog of cases. Lengthy trials and a lack of enforcement of judicial decisions, especially in cases related to the repossession of property owned by Serbs, also plague the system. Despite improvements over the past year, a lack of impartiality among the local courts remains a problem, and ethnicity continues to be a factor in the prosecution and sentencing of war crimes suspects. The trial of parliamentarian Branimir Glavas, the highest-ranking official charged with war crimes against Serbs, started in November 2008.

Prison conditions do not fully meet international standards due to overcrowding and poor medical care. In November 2008, the system underwent reform after media reports found that certain inmates had obtained special privileges through bribery.

Respect for minority rights has improved since 1999, but various forms of harassment and discrimination persist. Ethnic minorities, particularly Serbs, remain vastly underrepresented in local and regional governments, state administration, and judicial bodies. Many impediments to the sustainable return of Serb refugees remain. Returning Serbs are still harassed by the local population, although the frequency of such incidents is on the decline.

The Romany population faces significant social and economic obstacles, as well as widespread discrimination. In 2005, the government adopted a special action plan to improve the conditions for Roma in employment, health, housing, and education. Nevertheless, most Roma are excluded from mainstream society, and only 18 per-



cent of those older than 15 were employed in 2006. Although no countrywide statistics are available, the government reported increased rates of school enrollment for Romany children over the last two years in several counties with large Roma populations.

The constitution prohibits discrimination on the basis of gender. However, a study presented at the Zagreb Institute of Economics in January 2008 found that women were paid an average of 21 percent less than men with similar qualifications. Women currently hold 32 (21 percent) of 153 seats in the parliament. In July 2008, the government ratified a new act on gender equity, stipulating that women must comprise at least 40 percent of the candidate lists for each political party on the local, national, and EU levels; it is unclear, however, whether the prescribed fines are large enough to deter violations. Domestic violence against women is believed to be widespread and underreported, though the government has helped to finance several shelters and counseling centers for victims. Trafficking in women for the purpose of prostitution continues to be a problem, and Croatia is considered to be primarily a transit country for women trafficked to Western Europe.

## Cuba

Population: 11,200,000  
Capital: Havana

Political Rights: 7  
Civil Liberties: 6\*  
Status: Not Free



**Ratings Change:** Cuba's civil liberties rating improved from 7 to 6 due to new rules allowing greater access to consumer goods, the implementation of economic reforms, and approval of social freedoms for homosexuals and transsexuals.

Ten-Year Ratings Timeline For Year Under Review  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,6NF

### Overview:

**In 2008, Raul Castro was elevated to the presidency following the announced retirement of his brother Fidel. He quickly passed a series of measures to improve Cubans' access to consumer goods and raise pensions and wages, but the initial movement toward economic reform was halted when the island was struck by two major hurricanes in August and September. While dissidents remained tightly controlled during the year, the government encouraged greater debate about economic reform through formal channels, and sponsored a campaign against homophobia that positioned the island at the forefront of the gay rights movement in Latin America.**

Cuba achieved independence from Spain in 1898 as a result of the Spanish-American War. The Republic of Cuba was established in 1902 but remained under U.S. tutelage until 1934. In 1959, the U.S.-supported dictatorship of Fulgencio Batista, who had ruled Cuba for 18 of the previous 25 years, was ousted by Fidel Castro's July 26th Movement. Castro declared his affiliation with communism shortly thereafter, and the island's government has been a one-party state ever since.

Following the 1991 collapse of the Soviet Union and the end of some US\$5 billion in annual Soviet subsidies, Castro opened some sectors of the economy to direct foreign investment. The legalization of the U.S. dollar in 1993 created a new source of inequality, as access to dollars from remittances or through the tourist industry enriched some, while the majority continued to live on peso wages averaging less than US\$10 a month.

The government remained highly repressive of political dissent. Although the degree of repression ebbed and flowed over the years, the neutralization of organized political dissent endured as a regime priority. In February 1999, the government introduced harsh sedition legislation, with a maximum prison sentence of 20 years. It stipulated penalties for unauthorized contacts with the United States and the import or distribution of "subversive" materials, including texts on democracy and material from news agencies and journalists. The government also undertook a series of campaigns to undermine the reputations of leading opposition figures by portraying them as agents of the United States.

In 2002, the Varela Project, a referendum initiative seeking broad changes in the decades-old socialist system, won significant international recognition. However, the referendum proposal was rejected by the constitutional committee of the National Assembly, and the government instead held a counterreferendum in which 8.2 million people supposedly declared the socialist system to be "untouchable." The government initiated a crackdown on the prodemocracy opposition in March 2003. Seventy-five people, including 27 independent journalists, 14 independent librarians, and dozens of signature collectors for the Varela Project, were sentenced to an average of 20 years in prison following one-day trials held in April.

On July 31, 2006, Fidel Castro passed power on a provisional basis to his younger brother, defense minister and first vice president Raul Castro, after serious internal bleeding forced him to undergo emergency surgery and begin a slow convalescence. The transfer of authority, which occurred shortly before Fidel's 80th birthday on August 13, marked the first time he had relinquished control since the 1959 revolution. Fidel Castro resigned as president in February 2008, and the 76-year-old Raul was elevated to formally replace him. While younger officials, such as economic czar Carlos Lage and Foreign Minister Felipe Perez Roque, remained in prominent roles, Raul appointed 77-year-old Jose Ramon Machado, a top Communist apparatchik, as the new first vice president and named 72-year-old Julio Casas as the new defense minister. Though officially retired, Fidel continued to write provocative columns about international affairs in the Cuban newspaper *Granma*; he never appeared in public, but he remained in the public eye through the release of a small number of carefully selected photographs and video clips.

Popular disaffection with the Castro government came to the fore in January 2008 following the release of a videotape that showed computer science student Eliecer Avila sharply questioning government policies in an encounter with the

National Assembly president, Ricardo Alarcon, at a town-hall forum. Avlia later was shuttled to Havana, where he appeared on the television program *Cuba Debate*, explaining that his questions had intended to "build a better socialism, not destroy it," but appeared to suffer no further repercussions. In August, Cuban punk rocker Gorki Aguila was arrested for the crime of "social dangerousness," sparking an outcry among the country's youth. Separately, 20 of the 75 prisoners from the 2003 crack-down had been released by the fifth anniversary of the arrests. However, many subsequently left Cuba, and those who remained were subject to rearrest at any time.

During his inauguration speech, Raul hinted that the government would embrace a limited path of economic reform under the banner of the Communist Party, and in March 2008, the government approved a series of new economic measures. These included allowing ordinary Cubans to buy consumer electronic goods, such as DVD players and cellular telephones, and dropping another stricture that prevented Cubans from staying in the country's top tourist hotels. After introducing a plan in April that allowed thousands of Cubans to receive titles to their homes, the government eliminated salary caps and raised pensions for the country's more than two million retirees. The state also began to allow market forces to take root in the agricultural sector by permitting farmers to select crops and play a larger role in making decisions about land use. In late August and early September, however, Cuba was struck in rapid succession by the major hurricanes Gustav and Ike; more than 100,000 homes were damaged, and 30 percent of the country's crops were destroyed. The government estimated that the cost of the storm damage would exceed \$5 billion and forecast an extended period of food crisis and economic downturn. As a result, Cuba was unlikely to match the 7.5 percent growth rate achieved in 2007, and the pace of economic reform dropped off. In addition, Cuba's government imposed a ban on street vending following the hurricanes, with those caught violating the ban subject to one to three years in prison.

U.S.-Cuban relations remained frozen throughout 2008, as reflected in the two countries' inability to agree on the terms of hurricane relief following the onslaught of Gustav and Ike. U.S. authorities offered Cuba \$5 million in emergency aid, but the Cuban government rebuffed the offer and instead called for the lifting of the U.S. embargo. The outcome of the U.S. presidential election in November raised the prospect of a significant shift in U.S. policy toward Cuba, however. The victor, Democratic candidate Barack Obama, had called for increased dialogue with the Cuban government and favored lifting restrictions on the ability of Cuban Americans to visit and send money to relatives on the island.

**Political Rights and Civil Liberties:** Cuba is not an electoral democracy. Longtime president Fidel Castro and, more recently, his brother and successor Raul Castro dominate the political system. The country is a one-party state, with the Communist Party of Cuba (PCC) controlling all government entities from the national to the local level. The 1976 constitution provides for a National Assembly, which designates the Council of State. That body in turn appoints the Council of Ministers in consultation with its president, who serves as chief of state and head of government. However, the Castro brothers control every lever of power. Raul serves as president of the Council of Ministers and the Council of State, and as commander in chief of the Revolutionary Armed Forces (FAR), while

Fidel remains in place as first secretary of the PCC. The most recent PCC congress was held in 1997, and the next was scheduled for late 2009.

In October 2002, some eight million Cubans voted in tightly controlled municipal elections. An election was held for the National Assembly in 2003, with just 609 candidates—all supported by the regime—vying for 609 seats. The body serves five-year terms, and it grew in size to 614 seats as of the January 2008 elections. In January 2008, just over 8 million Cubans voted to fill the 614-seat National Assembly. As in the 2003 elections, each constituency has only one candidate and voters were asked to either support or reject each candidate. All candidates received the requisite 50 percent approval, with Raul Castro winning support from over 99 percent of voters. Following their election, the National Assembly appointed the 31 members of the Council of State, with Raul Castro as president; Ricardo Alarcon was reelected as the National Assembly's president.

All political organizing outside the PCC is illegal. Political dissent, whether spoken or written, is a punishable offense, and dissidents frequently receive years of imprisonment for seemingly minor infractions. The government has continued to harass dissidents, often using arbitrary sweeps and temporary detentions of suspects. The regime has also called on its neighbor-watch groups, known as Committees for the Defense of the Revolution, to strengthen vigilance against "antisocial behavior," a euphemism for opposition activity. Several dissident leaders have reported intimidation and harassment by state-sponsored groups. However, the absolute number of political prisoners in Cuba dipped slightly, from 234 to 205, during 2008.

Official corruption remains a serious problem, with a culture of illegality shrouding the mixture of private and state-controlled economic activities that are allowed on the island. Cuba was ranked 65 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is sharply curtailed, and the media are controlled by the state and the PCC. The government considers the independent press to be illegal and uses Ministry of Interior agents to infiltrate and report on the media outlets in question. Independent journalists, particularly those associated with the dozen small news agencies that have been established outside state control, are subjected to ongoing repression, including terms of hard labor and assaults by state security agents. Foreign news agencies may only hire local reporters through government offices, limiting employment opportunities for independent journalists. Nearly two dozen of the independent journalists arrested in March 2003 remain imprisoned in degrading conditions, including physical and psychological abuse; acts of harassment and intimidation have also been directed against their families. Nevertheless, some official state media, such as the newspaper *Juventud Rebelde*, began to cover previously taboo topics such as corruption in the health and education sectors.

Access to the internet remains tightly controlled, and it is difficult for most Cubans to connect to the internet in their homes. There are state-owned internet cafes in major cities, but websites are closely monitored, and costs put access beyond the reach of most Cubans. Only select state employees are provided with workplace access to e-mail and to an intranet system that blocks websites deemed inappropriate. Despite these serious limitations on internet access, Cuban blogger Yoani Sanchez gained worldwide attention in 2008 with ironic and critical musings about life in Cuba on her popular blog, Generation Y.

In 1991, Roman Catholics and other believers were granted permission to join the PCC, and the constitutional reference to official atheism was dropped the following year. In 1998, Pope John Paul II visited Cuba and called for greater religious freedom; his visit was followed by a temporary easing of restrictions on religious practice. However, according to the Cuban Conference on Catholic Bishops, official obstacles to religious freedom remain as restrictive as before the pope's visit. Cuba continues to employ authoritarian measures to control religious belief and expression. Churches are not allowed to conduct educational activities, and church-based publications are subject to control and censorship by the Office of Religious Affairs. While Roman Catholicism is the traditionally dominant faith, an estimated 70 percent of the population practices some form of Afro-Cuban religion.

The government restricts academic freedom. Teaching materials for subjects including mathematics and literature must contain ideological content. Affiliation with official PCC structures is generally needed to gain access to educational institutions, and students' report cards carry information regarding their parents' involvement with the party. In 2003, security forces raided 22 independent libraries and sent 14 librarians to jail with terms of up to 26 years. Many of the detainees were charged with working with the United States to subvert the Cuban government. In 2007, at least two independent journalists were arrested and temporarily detained. In February 2008, the government released an additional four political prisoners to exile in Spain, including Pedro Pablo Alvarez, a close ally of Oswaldo Paya.

Limited rights of assembly and association are permitted under the constitution. However, as with all other constitutional rights, they may not be "exercised against the existence and objectives of the Socialist State." The unauthorized assembly of more than three people, even for religious services in private homes, is punishable by law with up to three months in prison and a fine. This prohibition is selectively enforced and is often used to imprison human rights advocates.

Workers do not have the right to bargain collectively or to strike. Members of independent labor unions, which the government considers illegal, are often harassed, dismissed from their jobs, and barred from future employment. In 2008, following years of measures to reduce opportunities for private economic activity, the government shifted course and lifted a nine-year ban on private taxi drivers. The government also opened up unused land to private farmers and cooperatives, giving producers greater freedom to manage their lands and set their own prices. Farmers are now able to buy their own basic supplies at stores, rather than rely solely on state provisions, for the first time since the 1960s.

The executive branch controls the judiciary. The Council of State, presided over by Raul Castro, serves as a *de facto* judiciary and controls both the courts and the judicial process as a whole.

Since 1991, the United Nations has voted annually to assign a special investigator on human rights to Cuba who was routinely denied a visa. In 2007, the UN Human Rights Council ended the investigator position for Cuba. In February 2008, Raul Castro authorized Cuban representatives to sign two UN human rights treaties, despite strong objections from Fidel Castro. Cuba does not grant the International Committee of the Red Cross or other humanitarian organizations access to its prisons.

Many Afro-Cubans have only limited access to the dollar-earning sectors of the economy, such as tourism and joint ventures with foreign companies.

Freedom of movement and the right to choose one's residence and place of employment are severely restricted. Attempting to leave the island without permission is a punishable offense. Intercity migration or relocation is also restricted and requires permission from the local Committee for the Defense of the Revolution and other authorities. In the post-Soviet era, only state enterprises can enter into economic agreements with foreigners as minority partners; ordinary citizens cannot participate. PCC membership is still required to obtain good jobs, suitable housing, and real access to social services, including medical care and educational opportunities. In April 2008, the government dropped wage caps and said that it would begin moving away from state-enforced egalitarianism and toward a system in which pay was more closely linked with productivity. Also in April, the government announced that it would work to remove the backlog of applications for private housing, and in July, the government began accepting applications for private farmland.

Cuba positioned itself at the forefront of the gay rights movement in Latin America in 2008, due in part to the advocacy of Mariela Castro, Raul Castro's daughter, on behalf of equality for homosexuals and transsexuals. In May, the government helped to sponsor an International Day Against Homophobia that featured shows, lectures, panel discussions, and book presentations. The program included a center that offered blood tests for sexually transmitted diseases, and a screening of the gay-themed U.S. film *Brokeback Mountain*, which is still banned in most of the Caribbean, on state television. In June, the Ministry of Public Health authorized government-provided sex-change surgeries for transsexuals, a move that provoked a strong protest from the Catholic Church. Cuba had already ranked well on gender equality; about 40 percent of all women work, and they are well represented in most professions.

## Cyprus

**Population:** 1,100,000

**Capital:** Nicosia

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



*Note:* The numerical ratings and status listed above do not reflect conditions in Northern Cyprus, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Demetris Christofias of the Progressive Party of the Working People (AKEL), a communist party, won the February 2008 presidential election. His victory was seen as

**an opportunity to restart negotiations on reunification, which continued throughout the year.**

Cyprus gained independence from Britain in 1960 after a five-year guerrilla campaign by partisans demanding union with Greece. In July 1974, Greek Cypriot National Guard members, backed by Greece's military junta, staged an unsuccessful coup aimed at such unification. Five days later, Turkey invaded northern Cyprus, seized control of 37 percent of the island, and expelled 200,000 ethnic Greeks from the north. Today, the Greek and Turkish communities are almost completely separated in the south and north, respectively.

A buffer zone known as the Green Line has divided Cyprus, including the capital, since 1974. UN resolutions stipulate that Cyprus is a single country of which the northern third is illegally occupied. In 1983, Turkish-controlled Cyprus declared its independence, a move recognized only by Turkey.

Reunification talks accelerated after a more receptive Turkish government was elected in 2002; the European Union (EU), the United States, and the United Nations added pressure for an agreement, and a new pro-unification government was elected in Northern Cyprus in 2003. Then-UN secretary-general Kofi Annan led a round of negotiations that collapsed in 2004 after no consensus was reached. As previously agreed, Annan then proposed a plan that was put to a vote in simultaneous, separate referendums on both sides of the island in April 2004. Ultimately, 76 percent of Greek Cypriots voted against the plan, while 65 percent of Turkish Cypriots voted in favor. With the island still divided, only Greek Cyprus joined the EU as scheduled in May 2004.

In parliamentary elections held in the south in 2006, the Democratic Party (DIKO) won 11 seats, while the Democratic Rally (DISY) and Progressive Party of the Working People (AKEL), a communist party, each took 18 seats; three other parties captured the remaining 9 seats. The 2004 referendum and the prospects for reunification were major campaign issues, and the results were considered a signal of support for President Tassos Papadopoulos of DIKO and his rejection of the UN plan.

However, this sentiment was reversed in the 2008 presidential election. The top two candidates in the first round in February were AKEL leader Demetris Christofias and DISY candidate Ioannis Kasoulides, followed by Papadopoulos in third. Christofias ultimately won 53 percent of the runoff vote, making him the only communist head of state in Europe. His cabinet includes ministers from DIKO as well as the Movement for Social Democrats (EDEK).

Christofias's election paved the way for new reunification talks, and he subsequently met with the Northern Cypriot leader regularly. However no major breakthroughs were made, and the negotiators ended the year less hopeful about progress.

### **Political Rights**

#### **and Civil Liberties:**

Cyprus is an electoral democracy. Suffrage is universal, and elections are free and fair. The 1960 constitution established an ethnically representative system designed to protect the interests of both Greek and Turkish Cypriots; the Greek Cypriots maintain that the constitution still applies to the entire island.

The president is elected by popular vote to serve a five-year term. The unicameral House of Representatives has 80 seats filled through proportional representa-

tion for five-year terms. Of these, 24 are reserved for the Turkish Cypriot community, but the Turkish Cypriot representatives withdrew in 1964 and have not been replaced to date. Instead, the Turkish Cypriots maintain their own parliament in the northern part of the island.

Following a ruling against Cyprus by the European Court of Human Rights (ECHR) in 2004, a law was passed allowing Turkish Cypriots living in the south to vote and run for office in Greek Cypriot elections. About 390 registered to vote before the 2008 presidential election, up from 270 in 2006, when one also ran for a parliament seat. Turkish Cypriots cannot run for president, as the constitution states that a Greek Cypriot should hold that post and a Turkish Cypriot should be vice president. The Maronites (Catholics of Lebanese descent), Armenians, and Latins (Catholics of European descent) elect special nonvoting representatives. Women are very poorly represented politically, with only one woman in the cabinet.

Corruption is not a significant problem in Cyprus. A 2004 anticorruption law instituted compulsory asset declarations by state officials, although past evidence has shown that many do not comply with the law. New laws were passed in 2008 to prevent conflicts of interest by government officials and to make it a criminal offense to withhold information on bribery in defense procurement. The auditor-general has reported serious financial mismanagement in government departments, and in 2008 the opposition accused the president of cronyism in some of his appointments. Cyprus was ranked 31 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech is constitutionally guaranteed and generally respected. A vibrant independent press frequently criticizes the authorities. Several private television and radio stations in the Greek Cypriot community compete effectively with public stations. In March 2008 a court ordered the daily paper *Politis* to pay approximately US\$130,000 in libel damages, the highest such fine ever imposed on a paper in Cyprus, for articles on a case of sexual harassment. The local journalists' union said the damages were a "serious threat to the freedom of the press." Although Turkish Cypriot journalists can enter the south, Turkish journalists based in the north have reported difficulties crossing the border. Access to the internet is unrestricted.

Freedom of religion is guaranteed by the constitution and protected in practice. Nearly all inhabitants of the south are Orthodox Christians, and some discrimination against other religions has been alleged. State schools use textbooks containing negative language about Turkish Cypriots and Turkey. The education minister in 2008 proposed revising history textbooks to promote mutual respect between the two communities, sparking resistance that included the political opposition and the island's archbishop.

Freedoms of association and assembly are respected. Nongovernmental organizations generally operate without government interference, although they have been accused of inactivity. In 2008, a women's group was prosecuted for accounting fraud, and the head of a foreigner-rights organization was arrested for playing music without a license at a protest. Both claim to have been treated unfairly due to their negative stance toward the government, something that is rare in Cyprus. Workers have the right to strike and to form trade unions without employer authorization.

The independent judiciary operates according to the British tradition, uphold-



ing due process rights. In 2008 the Cyprus ombudswoman issued complaints on behalf of asylum-seekers who were indefinitely detained in Nicosia's prison; they launched a hunger strike in September. Prison overcrowding has decreased but remains a problem. The Council of Europe and other groups have noted police and prison brutality, including targeted beatings of minorities. A bureau established in 2006 to investigate complaints against the police reported 30 complaints in the first five months of 2008, although most were found to be groundless. The 10 plainclothes police who were videotaped beating two men in 2005 were acquitted of torture and causing grievous bodily harm in September 2008 but still face other charges in an ongoing trial.

A 1975 agreement between the two sides of the island governs treatment of minorities. Turkish Cypriots are now entitled to Republic of Cyprus passports, and thousands have obtained them. In practice, Turkish Cypriots in the south have reported difficulty obtaining identity cards and other documents, as well as harassment and discrimination. A 2008 Eurobarometer survey on discrimination found that 61 percent of Cypriots had problems with people of other races. A gang of youths assaulted foreigners indiscriminately one night in June 2008, apparently in retaliation for an attack on their friend, and a series of racist attacks occurred against citizens of foreign descent in December 2008. The ombudswoman's reports in 2007 and 2008 have highlighted discrimination against homosexuals, and 73 percent of Cypriot respondents to the Eurobarometer survey admitted that they engaged in such discrimination. Asylum-seekers face regular discrimination, especially in employment.

Since accession to the EU in 2004, all citizens can move freely throughout the island, and a key border crossing in Nicosia was opened in 2008. While the Greek Cypriots have thwarted attempts to lift international trade and travel bans on the north, trade continues to increase between the two sides.

The status of property abandoned by those moving across the Green Line beginning in 1974 is a point of contention in reunification talks. Under changes in the law in the north, Greek Cypriots can appeal to a new property commission to resolve disputes, but the government in the south does not recognize this commission. In 2008 the ECHR upheld a land swap arranged through the property commission by Greek Cypriot Mike Tymvios and a Turkish Cypriot who owned land in the south; the ruling sparked controversy over whether it was also endorsing the property commission, and it generated a conflict with the southern government, which had custody of the southern land and refused to hand it over. A 1991 law states that property left by Turkish Cypriots belongs to the state, and in 2007 the Supreme Court rejected the appeal of a Turkish Cypriot living in the north who sought to regain his land in the south.

Workplace gender discrimination, sexual harassment, and violence against women are problems. According to police, there was a 5 percent increase in reports of domestic violence in 2007. The police have set up a Human Trafficking Prevention Bureau, and a government task force is preparing an action plan to prevent trafficking, but Cyprus remains a transit and destination country. So-called artiste visas—for women coming to Cyprus to work in cabarets, where they are often exploited—were abolished in late 2008.

## Czech Republic

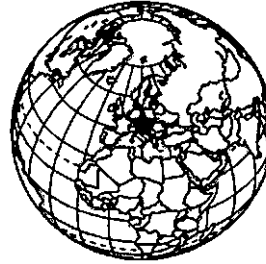
**Population:** 10,400,000

**Capital:** Prague

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

President Vaclav Klaus, a conservative, won a second five-year term in the February 2008 presidential election. However, the opposition center-left Czech Social Democratic Party strengthened its position in Senate and regional elections held in October.

Czechoslovakia was created in 1918 amid the collapse of the Austro-Hungarian Empire. After World War II, Soviet forces helped establish a Communist government. In 1968, Soviet tanks crushed the so-called Prague Spring, a period of halting political liberalization under reformist leader Alexander Dubcek.

In December 1989, a series of peaceful anti-Communist demonstrations led by dissident Vaclav Havel and the Civic Forum opposition group resulted in the resignation of the government, in what became known as the Velvet Revolution. The country's first post-Communist elections were held the following year. In 1992, a new constitution and the Charter of Fundamental Rights and Freedoms were adopted, and the country began an ambitious program of political and economic reform under Finance Minister Vaclav Klaus of the center-right Civic Democratic Party (ODS), who became prime minister that year. In 1993, the state dissolved peacefully into separate Czech and Slovak republics, and Havel became president of the former.

Close parliamentary elections in 1998 led to control of the government by the center-left Czech Social Democratic Party (CSSD), although an "opposition agreement" between the CSSD and the ODS limited meaningful political competition and brought about several years of political gridlock. The CSSD won the 2002 elections, and Vladimir Spidla, the party's new chairman, became prime minister. Klaus won the 2003 presidential poll.

In May 2004, the Czech Republic joined the European Union (EU), fulfilling one of the government's most important goals. EU accession had required years of work to meet strict EU standards, including a stable market economy, a consolidated democracy, a cleaner environment, and laws protecting minority rights. In the country's first elections for the European Parliament in June 2004, the ruling CSSD secured just 9 percent of the vote, while the unreformed Communist Party of Bohemia and

Moravia (KSCM) captured 20 percent. Spidla stepped down in favor of Stanislav Gross, who formed a new CSSD-led government with the same set of coalition partners: the Christian and Democratic Union-Czechoslovak People's Party (KDU-CSL) and a free-market liberal party, Freedom Union-Democratic Union (US-DEU).

The CSSD was further weakened in 2005 by allegations of corruption and complaints from the opposition, which led to the collapse of the governing coalition in April. Jiri Paroubek replaced Gross as prime minister, and the CSSD formed a new government with the KDU-CSL and the US-DEU. The coalition held a bare majority, with 101 seats in the 200-seat lower house of Parliament.

The June 2006 parliamentary elections saw the CSSD and the KSCM capture 100 seats (74 and 26, respectively) while three other parties—the ODS, the KDU-CSL, and the Greens—also won 100 (81, 13, and 6, respectively). Months of negotiations failed to produce a viable government, as no party was willing to work with the KSCM, which refuses to apologize for the repression of the Communist era. A short-lived government of the ODS, KDU-CSL, and Greens failed a confidence vote in October after serving only one month, and the two largest parties—the ODS and CSSD—were unable to agree on a grand coalition due to personal and political differences. The ODS easily won regional and Senate elections in late October, strengthening its public position and offering a possible way out of the impasse.

In January 2007, President Klaus reappointed Prime Minister Mirek Topolánek of the ODS, who had remained in office in a caretaker capacity since the last coalition collapsed. Topolánek's new government—again consisting of the ODS, KDU-CSL, and Greens—narrowly won a parliamentary confidence vote that month after two CSSD lawmakers abstained. The government managed to pass a package of economic reforms in August, overcoming a hurdle that had threatened to bring down the ruling coalition yet again.

Klaus was narrowly reelected in February 2008, receiving 141 votes in Parliament in the last of six rounds conducted over three days. His main opponent, Czech-American economist Jan Svejnar, who was favored by the public, received 111 votes. The election broke new ground in several ways: Svejnar holds dual citizenship, the two candidates engaged in the country's first televised presidential debate, and lawmakers voted openly rather than using the traditional secret ballot, to avoid suspicions of corruption.

Regional and Senate elections were held in October 2008, with the opposition CSSD setting a new record for campaign spending on regional elections. The party won a majority of seats in the country's 13 regional legislatures. In the Senate contest, the CSSD captured 23 of the 27 seats at stake for a new total of 29, while the ODS fell to a total of 35, losing its majority in the 81-seat chamber. Smaller parties held the remainder.

### **Political Rights and Civil Liberties:**

The Czech Republic is an electoral democracy. Since the Velvet Revolution in 1989, the country has enjoyed free and fair elections. The Chamber of Deputies, the lower house of Parliament, has 200 members elected for four-year terms by proportional representation. The Senate has 81 members elected for six-year terms, with one-third up for election every two years. The president, elected by Parliament for five-year terms, appoints judges, the prime minister, and other cabinet members, but has few other

formal powers. The prime minister, whose recommendations determine the cabinet appointments, relies on support from a majority in the Chamber of Deputies to govern.

The three largest political parties are the center-left CSSD; the center-right, market-oriented ODS; and the leftist KSCM. Parties must win at least 5 percent of the vote to enter the lower house.

Corruption affects many sectors of society, especially government and business. The government has taken little action to improve transparency and prevent graft. The Czech Republic was ranked 45 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is respected, although the Charter of Fundamental Rights and Freedoms, a document that forms part of the Czech constitution, prohibits threats against individual rights, state and public security, public health, and morality. The country's print and electronic media are largely in private hands. Under a 2001 law designed to limit political influence over Czech Television (CT), the state broadcaster, nongovernmental groups nominate candidates for the CT's governing council. In 2005, the Constitutional Court ruled that journalists cannot be compelled to reveal their sources. A bill banning the publishing of information from police wiretaps was approved in October 2008 by the lower house of Parliament. At the end of November 2008, journalist Sabina Slonkova was fined 700 euros for refusing to name the source of photos showing an illicit meeting between a lobbyist and an adviser to President Klaus, a story she reported on the website Aktualne.cz in February 2008. Internet access is unrestricted.

The government generally upholds freedom of religion. In 2006, Muslim authorities were denied an exemption from the registration law that would have granted them permission and state financing for activities including religious instruction in schools and performing marriages; they had not met the law's requirements for such benefits, including proof of membership equivalent to at least 0.1 percent of the population. Academic freedom is widely respected.

Czechs may assemble peacefully, form associations, and petition the government. Trade unions and professional associations function freely. Judges, prosecutors, and members of the armed forces and police may not strike. A new labor code that took effect in 2007 abolished several restrictions on freedom of association but requires trade unions within a single enterprise to act in concert when conducting collective bargaining.

The independent judiciary consists of the Supreme Court, the Supreme Administrative Court, and high, regional, and district courts. There is also a Constitutional Court. Czech authorities in 2002 issued new guidelines to police and prison wardens, including improvements in short-term detention facilities. A law that took effect in October 2008 streamlined the selection procedure for Constitutional Court and Supreme Court judges and established disciplinary measures for those caught accepting bribes.

The Charter of Fundamental Rights and Freedoms gives minorities the right to participate in the resolution of matters pertaining to their group. A 1999 law restored citizenship to many residents, including Roma, who continue to experience discrimination. In 2001, Parliament approved legislation for the protection of ethnic minority rights, including the creation of a governmental minority council. However, in June

2007, the European Commission cited the country for not fully incorporating principles of racial equality into its laws, and racist violence has risen. The Czech Republic remains the only EU country not to have adopted a comprehensive antidiscrimination law, as required by EU membership. Although a Czech court in October 2007 issued the first judgment awarding financial compensation to a Romany woman who was involuntarily sterilized, the High Court in November 2008 overturned a decision requiring a hospital to compensate one Roma woman for forced sterilization. Promoting denial of the Holocaust and inciting religious hatred are illegal. The Senate in September 2007 passed a proposal to prohibit extremism—specifically Nazism and communism—and its symbols, but the measure seems to have stalled.

Property ownership, choice of residence, and fair wages are legally protected, and citizens generally enjoy all of these rights in practice.

Gender discrimination is legally prohibited. However, sexual harassment in the workplace appears to be fairly common, and women are underrepresented at the highest levels of government and business. Trafficking of women and girls for prostitution remains a problem. The government has taken steps in recent years to strengthen the reporting and punishment of domestic violence.

## Denmark

**Population:** 5,500,000

**Capital:** Copenhagen

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

A European Court of Justice ruling in July 2008 struck down an Irish immigration law that restricted residency for foreign spouses, raising doubts about similar laws in Denmark. Danish immigration officials also drew fire during the year for failing to inform applicants of their family-reunification rights. Separately, ongoing ethnic tensions were exacerbated by riots in immigrant neighborhoods in February and by reprints of notorious cartoons of the prophet Muhammad in Denmark's major newspapers.

Denmark has been a monarchy since the Middle Ages, but after the promulgation of its first democratic constitution in 1849, the monarch's role became largely ceremonial. The country was occupied by Nazi Germany during World War II despite its attempts to maintain neutrality, and in 1949 it joined NATO. In 1973, Den-

mark became a member of the European Economic Community (EEC), forerunner to the European Union (EU).

Postwar Danish politics have been dominated by the Social Democratic Party. However, in the 2001 elections, a right-wing coalition led by Anders Fogh Rasmussen's Liberal Party won control by pledging to reduce immigration and lower taxes. The coalition, which also included the Conservative People's Party, was supported by the anti-immigrant and Euroskeptic Danish People's Party. Denmark has had a conflicted relationship with the EU, rejecting the bloc's 1992 Maastricht Treaty on justice, foreign, and monetary policy and opting not to adopt the euro as its sole currency in 2000.

The Liberals won reelection in 2005, maintaining their coalition with the Conservatives and receiving external support from the Danish People's Party. Prime Minister Rasmussen was returned to office again in the 2007 elections, with the Liberals, Conservatives, and Danish People's Party receiving 45, 18, and 25 seats, respectively. The Social Democrats placed second with 45 seats, and the Socialist People's Party, one of the smaller opposition parties, more than doubled its share of seats, from 11 to 23.

Ethnic tensions remained a major issue in Denmark throughout 2008, particularly with respect to the Muslim population. The most severe unrest came in February, when youths in the mostly Muslim immigrant neighborhoods of Denmark's largest cities, including Copenhagen, Aarhus, and Odense, rioted for seven consecutive nights, burning cars, buses, and schools. Up to 70 youths were arrested for the disturbances, which were allegedly sparked after police beat an immigrant youth and then exacerbated when major newspapers reprinted notorious cartoons depicting the prophet Muhammad. The images had caused worldwide controversy after they were originally printed in the Danish daily *Jyllands-Posten* in 2005.

Denmark's major newspapers chose to reprint the cartoons on February 13 after three men were arrested for plotting to kill cartoonist Kurt Westergaard, who drew one of the images published in 2005. The cartoons' reappearance led to widespread boycotting of Danish goods in the Muslim world and an attack on the Danish embassy in Pakistan in June. That attack was attributed to al-Qaeda, which made new threats against Denmark in a video released in September.

In July, the European Court of Justice (ECJ) struck down an Irish law requiring an EU citizen's spouse of non-EU origin to live in another EU member state prior to residency in Ireland. A 2004 EU directive stated that non-EU nationals married to EU citizens have the right to reside within their spouse's country regardless of prior residency, and the new ruling highlighted the fact that Danish immigration law also violated the directive. In September, Denmark attempted to circumvent the conflict by requiring foreign spouses to work for between 2 and 10 weeks in another EU country prior to immigration to Denmark.

### Political Rights and Civil Liberties:

Denmark is an electoral democracy. The current constitution, adopted in 1953, established a single-chamber parliament (the Folketing) and retained a monarch, currently Queen Margrethe II, with mostly ceremonial duties. The parliament's 179 representatives are elected at least once every four years through a system of modified proportional representation. The leader of the majority party or coalition is usually cho-

sen to be prime minister by the monarch. Danish governments most often control a minority of seats in parliament, ruling with the aid of one or more supporting parties. Since 1909, no single party has held a majority of seats, helping to create a tradition of compromise.

The territories of Greenland and the Faeroe Islands each have two representatives in the Folketing. They also have their own elected institutions, which have power over almost all areas of governance.

Levels of corruption in Denmark are very low. The country tied with New Zealand and Sweden as the best performers among 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. The police began investigating a case in 2008 concerning the pharmaceutical company Missionpharma, which was suspected of bribing two consultants to secure a UN contract in the Democratic Republic of Congo. The investigation was pending at year's end.

The constitution guarantees freedom of expression. The media reflect a wide variety of political opinions and are frequently critical of the government. The state finances radio and television broadcasting, but state-owned television companies have independent editorial boards. Independent radio stations are permitted but tightly regulated. Internet use in Denmark is among the world's highest in terms of the percentage of the population with access. The internet is generally open and unregulated, although a filtration system designed to block child pornography is in place that has been criticized for mistakenly blocking other sites. In February 2008, major newspapers reprinted controversial cartoons of the prophet Muhammad to demonstrate press freedom and solidarity after three men were arrested for plotting the murder of cartoonist Kurt Westergaard. In July, Muslim groups brought a civil case to the Supreme Court against *Jyllands-Posten*, the newspaper that originally printed the cartoons in 2005, for allegedly violating the country's hate-speech laws. The case was rejected by the justice ministry at the end of October. In a separate case, two men were arrested in August under Danish hate-speech laws, then extradited to Germany to face charges of violating antiracist legislation by distributing right-wing texts.

Freedom of worship is legally protected. However, the Evangelical Lutheran Church is subsidized by the government as the official state religion. The faith is taught in public schools, although students may withdraw from religious classes with parental consent. At present, about half of all schoolchildren are exempted from the catechism taught in public schools. Some cases of discrimination and anti-Semitic and anti-Muslim defacement were reported during 2008. Religious tensions were exacerbated by republication of the Muhammad cartoons. Also in 2008, a rule barring judges from wearing religious symbols took effect. Some claimed that the ban was aimed at preventing female Muslim judges from wearing headscarves. Academic freedom is generally respected.

The constitution provides for freedom of assembly and association. Civil society is vibrant, and workers are free to organize. The labor market is mainly regulated by agreements between employers' and employees' organizations. In December 2008, 15 youths were sentenced to over a year in prison for riots that erupted in 2007 during a protest over the eviction of squatters from the Ungdomshuset youth house in Copenhagen.

The judiciary is independent, and citizens enjoy full due-process rights. The

court system consists of 100 local courts, 2 high courts, and the 15-member Supreme Court, with judges appointed by the monarch on the government's recommendation. A 2007 report by the International Commission of Jurists found ethnic bias in "a limited scope" of Danish court rulings and suggested mandatory training courses on discrimination for judges and lawyers. Prisons generally meet international standards. Police brutality became an issue in February 2008, however, when a week of rioting in mostly immigrant neighborhoods in Denmark's largest cities were apparently touched off by the alleged police beating of an immigrant youth.

Discrimination is prohibited under the law. However, Denmark introduced one of Europe's strictest immigration laws in 2002. The measure restricts citizens' ability to bring foreign spouses into the country, requiring both partners to be aged 24 or older. The law also requires the Dane to pass a solvency test, prove that he or she has not drawn social security for at least a year, and post a bond of almost \$10,000. A reunified family's husband and wife must both prove "close ties to Denmark." The law came under scrutiny after the ECJ ruled in July 2008 that a similar Irish law, which requires foreign spouses to prove residence in an EU country before taking up residence in Ireland, was incompatible with a 2004 EU directive allowing foreign spouses to live in EU member states regardless of prior residence. Separately in 2008, Immigration Minister Birthe Rønn Hornbech faced calls to resign after admitting that she broke the law by not enforcing the Immigration Service's obligation to inform a Danish-Thai couple of their family-reunification rights. Although the Immigration Service became aware in 2003 of an EU ruling requiring member states to allow non-EU nationals working within the EU to reside with their EU national spouse, it did not make this information available until 2007.

Denmark has closed 47 asylum centers since the introduction of the 2002 immigration law. In June 2006, the government secured reforms, including tighter unemployment rules designed to promote job seeking and greater workforce integration by immigrants. However, in the 2007 Migrant Integration Policy Index, Denmark was ranked the second-worst performer out of 28 mostly EU countries for migrant eligibility to enter the labor market.

Women enjoy equal rights in Denmark and represent half of the workforce. However, disparities have been reported in the Faeroe Islands and Greenland. In October 2008, the prime minister announced plans for a 2009 referendum that would allow the firstborn child of the monarch to become heir to the throne regardless of sex. Denmark is a destination and transit point for women and children trafficked for the purpose of sexual exploitation. Following the 2003 adoption of legislation that defined and criminalized such trafficking, the government began working regularly with nongovernmental organizations in their trafficking-prevention campaigns. In 2008, an EU report cited Denmark as one of nine European countries that do not have antidiscrimination agencies to protect gay rights, and one of only seven EU member states that fail to offer protections to gays beyond the workplace.



## Djibouti

**Population:** 800,000

**Capital:** Djibouti

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



**Ten-Year Ratings Timeline For Year Under Review**  
**Political Rights, Civil Liberties, Status)**

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,6PF	4,5PF	4,5PF	4,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF

### Overview:

Legislative elections took place in February 2008, but the main opposition parties did not participate, citing government harassment and manipulation of the electoral process. Border clashes erupted between Djibouti and Eritrea in June. Meanwhile, drought and rising food prices combined to pose significant hardships for the majority of the population.

Djibouti, formerly the French Territory of the Afars and Issas, gained independence in 1977. Its people are deeply divided along ethnic and clan lines, with the majority Issa (Somali) and minority Afar peoples traditionally falling into opposing political camps. The Issa make up about 60 percent of the population and the Afar about 35 percent. Ethnic conflict broke out in 1991, with Afar rebels of the Front for the Restoration of Unity and Democracy (FRUD) launching a guerrilla war against Issa domination. In 1994, the largest FRUD faction agreed to end its insurgency in exchange for inclusion in the government and electoral reforms.

President Hassan Gouled Aptidon controlled a one-party system until 1992, when a new constitution authorized four political parties. In 1993, Gouled won a fourth six-year term in Djibouti's first contested presidential election, which was considered fraudulent by both the opposition and international observers. In the 1997 legislative elections, which were also considered unfair, the ruling People's Progress Assembly (RPP), in coalition with the legalized arm of the FRUD at the time, won all 65 legislative seats.

Gouled stepped down in 1999. The RPP's Ismael Omar Guelleh—Gouled's nephew and a former head of state security—won that year's presidential poll with 74 percent of the vote, while his leading opponent received 26 percent. For the first time since elections began in 1992, no group boycotted the vote, which was regarded as generally fair. In 2001, a comprehensive peace accord aimed at ending the decade-long ethnic Afar insurgency was signed. A bloc of four parties under the umbrella Union for the Presidential Majority (UMP) ran against the four-party opposition bloc, Union for a Democratic Alternative (UAD), in the 2003 parliamentary elections. The UMP captured all 65 seats even though the UAD received 37 percent of the overall vote.

In April 2005, Guelleh won a second six-year term. The only challenger withdrew

from the election, citing government control of the media and repression of the opposition's activities. The country's human rights league called the official turnout figure of 79 percent "highly unlikely." According to the *Indian Ocean Newsletter*, a number of opposition supporters were arrested.

As president, Guelleh has used Djibouti's strategic importance to generate international support and development assistance. The country has granted foreign armed forces, particularly those of the United States, access to its port and airport facilities. Since 2004, approximately 2,000 U.S. military personnel have been stationed in Djibouti, alongside a similar number of French troops. Guelleh has endorsed actions taken by the United States and its allies to combat terrorism. In March 2006, the United States and Djibouti renewed their agreement on U.S. use of military facilities in the country, the only such arrangement in sub-Saharan Africa.

Djibouti's only private newspaper was closed by the authorities in 2007 in the wake of a libel suit involving the president's brother-in-law. Legislative elections took place in March 2008, but the main opposition parties did not participate, citing government abuses, including the house arrest of opposition leaders and manipulation of the electoral process. In June, an Eritrean military incursion across the poorly delineated border resulted in the deaths of about a dozen Djiboutian soldiers and the wounding of scores of others.

Drought and rising food prices combined to pose significant hardships for the majority of the population in 2008. With virtually no industry and few natural resources, Djibouti is heavily dependent on foreign assistance. The port and transport sector accounts for one-third of gross domestic product (GDP). Ethiopia is an important economic partner, with approximately 85 percent of the goods moving through the port of Djibouti destined for Ethiopia. Two-thirds of the country's inhabitants live in the capital city, and most of the remainder are nomadic herders. Scant rainfall limits crop production, meaning most food must be imported. The UN Population Fund has reported that more than 40 percent of the country's residents live below the national poverty line, and a U.S.-funded agency warned in September 2008 that the majority of the population was in need of emergency food aid.

### Political Rights and Civil Liberties:

Djibouti is not an electoral democracy. The formal existence of representative government and electoral processes have little relevance to the real distribution and exercise of power.

The ruling party has traditionally used the advantage of state resources to maintain itself in government.

The elected president serves a maximum of two six-year terms, and the 65 members of the unicameral parliament, the National Assembly, are directly elected for five-year terms. Opposition parties are significantly disadvantaged by electoral rules and the government's abuse of the administrative apparatus. In the 2003 legislative elections, in which opposition parties competed, the ruling UMP coalition won 62 percent of the vote. It captured all the National Assembly seats, however, because the election law stipulates that the winner of the majority in each of the country's five electoral constituencies is awarded all seats in that district. While the opposition UAD alleged widespread voter fraud, its case was rejected by the Constitutional Council. Opposition parties subsequently boycotted the 2005 presidential election and the 2008 parliamentary polls.

Political parties are required to register with the government. Some opposition leaders engage in self-censorship and refrain from organizing popular demonstrations and other party activities so as to avoid a government crackdown. In July 2008, President Ismael Omar Guelleh dissolved by decree the opposition Movement for Democratic Renewal party, whose leader had reportedly voiced support for the recent Eritrean incursion into Djibouti.

Efforts to curb the country's rampant corruption have met with little success. According to the Heritage Foundation's 2008 Index of Economic Freedom, business activity is obstructed by inefficiency and graft in the bureaucracy, and the courts are subject to political influence and corruption in their decisions on property rights and intrusive labor regulations. The Center for Public Integrity, citing a 2004 report by the Djiboutian Court of Auditors, has noted widespread concern about port revenues that are not listed in the official budget. Djibouti was ranked 102 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Despite constitutionally mandated protections, freedom of speech is not upheld in practice. The government owns the principal newspaper, *La Nation*, as well as Radiodiffusion-Télévision de Djibouti (RTD), which operates the national radio and television stations. Journalists generally avoid covering sensitive issues, including human rights, the army, the FRUD, relations with Ethiopia, and French financial aid. The opposition-oriented *Le Renouveau* newspaper was closed by the authorities in May 2007 on grounds of libel, due to an article stating that a businessman had paid a bribe to the national bank governor, the president's brother-in-law. FM radio relays of the British Broadcasting Corporation (BBC) and Radio France Internationale are available in Djibouti. There is only limited internet access.

Islam is the state religion, and most of the population is Muslim. Freedom of worship is respected, although the government discourages proselytizing. While academic freedom is generally upheld, educational choices are limited, and the government only authorized the establishment of a university in 2006.

Freedoms of assembly and association are nominally protected under the constitution, but the government has demonstrated little tolerance for political protests. The Ministry of the Interior requires permits for peaceful assembly and monitors opposition activities. Political candidates and union leaders have complained of harassment by the authorities, and local human rights groups do not operate freely. In March 2007, the chairman of the Djibouti League of Human Rights was found guilty of "defamation and spread of false information" and sentenced to six months in prison. However, women's groups and some other nongovernmental organizations are able to work without much interference.

Workers may join unions and strike, but the government routinely obstructs the free operation of unions. Two Djibouti Trade Union officials were arrested in 2006 after returning from training in Israel, and they were accused of engaging in "secret contacts with a foreign power" and perpetrating an "affront to the President of the Republic." An international labor union delegation subsequently sent to investigate the situation was expelled.

The judicial system is based on the French civil code, although Sharia (Islamic law) prevails in family matters. The courts are not independent of the government. The Constitutional Council is charged with ensuring the constitutionality of laws

and protecting the individual, but in practice its rulings do not always uphold civil and human rights. Security forces often make arrests without a proper decree from a judicial magistrate, in violation of constitutional requirements. Security forces at times have physically abused prisoners and detainees. Prison conditions remain harsh, and overcrowding is a serious problem. No action has been taken against security personnel who used excessive force to disperse demonstrations in previous years.

The Afar people, Yemeni Arabs, and non-Issa Somalis suffer from social and economic discrimination. A family law that took effect in 2002 was designed to protect women's and children's rights. Although women in Djibouti enjoy a higher public status than in many other Muslim countries, progress on women's rights and family planning has been hampered by a number of obstacles, many of them stemming from poverty. The 2008 parliamentary elections resulted in a record nine female lawmakers, 14 percent of the total. As of the end of 2008, only 2 of the 21 cabinet ministers were women. Women continue to suffer serious discrimination under customary practices related to inheritance and other property matters, divorce, and the right to travel. Female genital mutilation is widespread, and legislation forbidding mutilation of young girls is not enforced; women's groups are engaged in efforts to curb the practice, however.

## Dominica

**Population:** 70,000

**Capital:** Roseau

**Political Rights:** 1

**Civil Liberties:** 1

**status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

The Dominica Labour Party (DLP) of Prime Minister Roosevelt Skerrit governed competently in 2008, while the opposition United Workers Party attempted to recover from the disarray that followed the July resignation of party leader Earl Williams.

Dominica gained independence from Britain in 1978. The centrist Dominica Labour Party (DLP) swept to victory for the first time in 20 years in the January 2000 parliamentary elections, winning 10 of the 21 elected seats and forming a coalition with the right-wing Dominica Freedom Party (DFP). DLP leader Roosevelt "Rosie" Douglas was named prime minister, but died of a heart attack in October 2000. He was replaced by Pierre Charles, his communications and works minister. In January 2004, Charles,

49, collapsed and died of heart failure. He was succeeded by Roosevelt Skerrit, also of the DLP, who had been serving as education and youth affairs minister.

Skerrit's government inherited tremendous financial troubles and lost public support as it implemented austerity measures. Increased global competition hit the agriculturally based economy especially hard, and the imposition of an International Monetary Fund (IMF) stabilization and adjustment program proved highly unpopular. Despite those difficulties, the DLP confirmed its mandate by easily winning an April 2004 by-election. Also that month, China promised \$122 million in aid in return for Dominica's revocation of its recognition of Taiwan.

Skerrit and the DLP secured 12 seats in the 2005 elections, ensuring a majority even without the support of the DFP. Former prime minister Edison James, leader of the opposition United Workers Party (UWP), initially accepted the results but later claimed that five of the DLP seats were obtained through fraud. In 2007, he resigned as opposition leader and was replaced by Earl Williams, an attorney and UWP stalwart. However, Williams resigned in July 2008 amid credible allegations of financial wrongdoing. UWP deputy leader Ronald Green filled the leadership vacuum in August. Meanwhile, the DFP struggled to remain relevant and was not represented in the parliament.

In 2008, the IMF praised Dominica's sound economic policies as a necessary bulwark against the expected global slowdown. In January, Dominica became the first country of the English-speaking Caribbean to join the Bolivarian Alternative for the Americas (ALBA), the leftist regional bloc led by Venezuelan president Hugo Chavez.

### **Political Rights and Civil Liberties:**

Dominica is an electoral democracy. The government is headed by a prime minister, and the unicameral House of Assembly consists of 30 members serving five-year terms. Twenty-one members are elected, and nine senators are appointed—five by the prime minister and four by the opposition leader. The president is elected by the House of Assembly for a five-year term; the prime minister is appointed by the president.

The three main political parties are the ruling DLP, the opposition UWP, and the once-robust DFP, which ruled from 1980 to 1995 but no longer has a seat in the parliament.

Dominica was ranked 33 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The press is free, and there is no censorship or government intrusion. Four private newspapers and an equal number of political party journals publish without interference. Although the main radio station is state owned, there is also an independent station. Citizens have unimpeded access to cable television and regional radio broadcasts, as well as to the internet. In May 2008, press freedom groups criticized stricter broadcasting regulations proposed by the government and called for the passage of a freedom of information law. In August 2008, the government launched an official website designed to increase government transparency.

Freedom of religion is recognized. While a majority of the population is Roman Catholic, some Protestant churches have been established. Certain religious and cultural minorities feel that the law infringes on their rights. In 2007, Rastafarians demanded the repeal of a 1974 measure that outlaws their religion, and the Kalinago

indigenous tribe called for the legalization of polygamy, saying it was part of their culture. Academic freedom is respected.

The authorities uphold freedoms of assembly and association, and advocacy groups operate freely. Throughout 2008, the political opposition mobilized occasional anticorruption protests in response to the government's perceived failings. Workers have the right to organize, strike, and bargain collectively. Although unions are independent of the government and laws prohibit antiunion discrimination by employers, less than 10 percent of the workforce is unionized.

The judiciary is independent, and the rule of law is enhanced by the courts' subordination to the inter-island Eastern Caribbean Supreme Court. In 2008, Dominica postponed a decision on whether to accept the Caribbean Court of Justice as its final court of appeal instead of the Privy Council in London. The judicial system operated smoothly over the year, and its efficient handling of cases compared favorably with other islands in the region. Understaffing continues to lead to a large backlog of cases, however.

The island's only prison is overcrowded and has sanitation problems. In the fall of 2005, the government announced plans to build a separate youth detention center, but the project has not yet been completed. Dominica in 2006 signed a prisoner transfer agreement with Britain that would allow convicted criminals to serve out their sentences in their countries of origin.

The police force became responsible for security after the military was disbanded in 1981. In 2008, Dominica continued to work with its neighbors to strengthen the police and build on the previous year's national anticrime policy, aiming to maintain the country's low-crime status. Despite these efforts, eight homicides were reported in 2008, an increase over the three homicides reported during the previous year. In the late 1990s, the police created the Internal Affairs Department to investigate public complaints against the police and provide officers with counseling. The force operated professionally in 2008, and there were few human rights complaints.

Steady economic growth has been managed in an equitable fashion, making Dominica less prone to the extreme variations of wealth that exist elsewhere in the Caribbean. In May 2008, the labor minister announced an increase in the minimum wage, the first of its kind in 20 years.

The Protection against Domestic Violence Act allows abused persons, usually women, to appear before a judge and request a protective order without seeking legal counsel. There are no laws mandating equal pay for equal work for men and women in private sector jobs, and inheritance laws do not fully recognize women's rights. When a husband dies without a will, the wife cannot inherit their property, though she may continue to inhabit their home.

## Dominican Republic

**Population:** 9,900,000

**Capital:** Santo Domingo

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,2F	2,2F	2,2F	3,2F	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

**In 2008, President Leonel Fernandez of the Dominican Liberation Party won another four-year term in a convincing electoral victory, but the worsening economic situation threatened to undermine progress on security as violence flared along the border with Haiti.**

After achieving independence from Spain in 1821 and from Haiti in 1844, the Dominican Republic endured recurrent domestic conflict, foreign occupation, and authoritarian rule. The assassination of General Rafael Trujillo in 1961 ended 30 years of dictatorship, but a 1963 military coup led to civil war and U.S. intervention. In 1966, under a new constitution, civilian rule was restored with the election of conservative president Joaquin Balaguer. His ouster in the 1978 election marked the first time an incumbent president peacefully handed power to an elected opponent.

Since the mid-1990s, Dominican politics have been defined by competition between the Dominican Liberation Party (PLD) and the Dominican Revolutionary Party (PRD), although Balaguer's Social Christian Reformist Party (PRSC) remained an important factor. Leonel Fernandez of the PLD was first elected president in 1996, but term limits prevented him from running in 2000. He was succeeded by the PRD's Rafael Hipolito Mejia Dominguez, a former agriculture minister whose campaign appealed to those left behind by the country's overall economic prosperity.

In 2003, a major bank scandal that cost the equivalent of 15 percent of gross domestic product (GDP) triggered an economic collapse, leading to months of protests and leaving the government widely reviled. Mejia in 2001 had successfully enacted a constitutional change to allow a second consecutive presidential term, but he decisively lost his 2004 reelection bid to Fernandez.

While his 1996-2000 presidential term had featured substantial economic growth, Fernandez returned to face a ballooning \$6 billion foreign debt, a 16 percent unemployment rate, annual inflation of some 32 percent, and a deep energy crisis. Within a short period, however, inflation had been brought into the single digits, and macroeconomic stability had improved dramatically, with the economy posting a 9 percent growth rate in 2005. In return for International Monetary Fund (IMF) financing, the government agreed to cut subsidies on fuel and electricity and reduce the bloated

government payroll. In July 2005, the U.S. Congress ratified the regional free-trade agreement known as DR-CAFTA, which included Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic.

The PLD, capitalizing on the president's successful economic management, won a majority in both houses of Congress in May 2006. In the Senate, the PLD took 22 seats, while the PRD won only 6 and the PRSC won 4. In the Chamber of Deputies, the PLD won 96 seats, the PRD won 60, and the PRSC took 22. The Organization of American States (OAS) observation mission declared the elections to be free and fair.

In August 2006, Fernandez named 13 judges to head a commission of experts that would formulate and review constitutional reform proposals, which could include allowing Dominicans residing abroad to run for elected office. The panel presented its findings in September 2008, generating debate as the opposition called for a constituent assembly to handle the reform process. Also during the year, Fernandez oversaw the completion of an underground mass-transit system in the capital. The project had drawn criticism due to its high costs, frequent delays, and concerns about ongoing energy shortages.

In the May 2008 presidential election, Fernandez secured a third term with 54 percent of the vote. His opponent, the PRD's Miguel Vargas Maldonado, garnered just over 40 percent. Political violence associated with the balloting led to three deaths, but Fernandez called for a national celebration, dubbing the election a "democratic fiesta."

### **Political Rights and Civil Liberties:**

The Dominican Republic is an electoral democracy. The 2008 presidential election and the 2006 legislative elections were determined to have been free and fair. The constitution provides for a president and a bicameral National Congress, both elected to four-year terms. The Congress consists of the 32-member Senate and the 178-member Chamber of Deputies. The three main political parties are the ruling PLD, the opposition PRD, and the smaller PRSC.

Official corruption remains a serious problem. Fernandez, whose first term in the 1990s was marred by a scandal involving the disappearance of \$100 million in government funds, made fighting corruption a central theme of his 2004 election campaign. In his inaugural address, he pledged fiscal austerity and promised large cuts in the borrowing, hiring, and heavy spending that had characterized the outgoing administration. Still, the corruption problem has not improved much during his tenure, and the Dominican Republic was ranked 102 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. The government in 2008 remained dogged by problems stemming from illegal contracts awarded as part of the Sun Land case, in which Fernandez authorized a \$130 million loan to a private company for its public works projects, without congressional approval. More positively, the public agencies in charge of customs and taxes, once riddled with corruption, underwent significant reforms during the year.

The law provides for freedom of speech and of the press, and the government generally respects those rights. There are five national daily newspapers and a large number of local publications. The state-owned Radio Television Dominicana operates radio and television services. Private owners operate more than 300 radio stations and over 40 television stations, most of them small, regional broadcasters. In



March 2005, Fernandez signed implementation rules for a 2004 freedom of information law. Internet access is unrestricted but not widely available outside of large urban areas; the Fernandez government has worked to improve access to technology in rural areas.

Constitutional guarantees regarding religious and academic freedom are generally observed.

The government upholds the right to form civic groups, and civil society organizations in the Dominican Republic are some of the best organized and most effective in Latin America. Labor unions are similarly well organized. Although legally permitted to strike, they are often subjected to government crackdowns. In 2003 and 2004, general strikes triggered by the government's handling of the economic crisis resulted in several deaths and mass arrests. Leaders from the transportation unions called two general strikes in 2007 to protest low wages and high fuel prices. In 2008, the union representing public hospitals confronted the government with claims that its demands for higher wages had not been met, and public hospital doctors engaged in several one-day strikes. In general, while some unions enjoy favorable public opinion, many are viewed with distrust due to their corrupt practices. Peasant unions are occasionally targeted by armed groups working for major landowners.

The judiciary, headed by the Supreme Court, is politicized and riddled with corruption, and the legal system offers little recourse to those without money or influence. However, reforms implemented in recent years, including measures aimed at promoting greater efficiency and due process, show some promise of increasing citizen access to justice. In 2004, a new criminal procedures code gave suspects additional protections, and a new code for minors improved safeguards against sexual and commercial exploitation.

Extrajudicial killings by police remain a problem, and low salaries encourage endemic corruption in law enforcement institutions. However, the Fernandez administration has undertaken serious police reform efforts and has begun to refer cases of military and police abuse to civilian courts instead of nontransparent police or military tribunals. Prisons suffer from severe overcrowding, poor health and sanitary conditions, and routine violence that has resulted in a significant number of deaths. A 2005 riot at a badly overcrowded detention center in Higuey led to a fire that killed at least 134 inmates. New initiatives launched in 2005 as part of Fernandez's democratic security plan included a crackdown on illegal weapons, tougher policing measures, and a curfew on alcohol sales. The overall security situation has improved as the rate of homicides and other violent crimes has declined, but the worsening economic situation in 2008 threatened to set back progress in fighting crime. In 2008, the homicide rate in the Dominican Republic fell to 20.8 per 100,000, the lowest rate since 2003, though still higher than the regional average for Latin America and the Caribbean.

The Dominican Republic is a major transit hub for South American drugs, mostly cocaine, headed to the United States. Local, Puerto Rican, and Colombian drug smugglers use the country as both a command-and-control center and a transshipment point. The government estimates that some 20 percent of the drugs entering the country remain there as "payment in kind." The government has sought the right to shoot down planes that drop unauthorized packages onto its territory, but the United States opposes the measure.

The mistreatment of Haitian migrants continues to mar the Dominican Republic's

international reputation, but no strategy has been adopted to handle this growing problem. In 2007, a small, center-right political party filed a court case to strip citizenship from Sonia Pierre, a Dominican-born activist for Haitian rights, but backed down under international pressure. Several violent incidents against Haitians flared in Dominican towns close to the border in October 2008, with civilians chasing and beating Haitians—resulting in a number of deaths—despite the authorities' efforts to protect some of the migrants. The situation is exacerbated by poor economic prospects in the Dominican Republic, which has intensified competition for work among local and migrant populations.

Violence and discrimination against women remain serious problems, as do trafficking in women and girls, child prostitution, and child abuse. Domestic violence is particularly problematic; approximately two-thirds of women killed in the Dominican Republic in 2008 were killed by their domestic partners. The government has created the post of secretary for women's issues, and women regularly serve in Congress and at the cabinet level. In 2008, several women's health groups continued to push for legalized abortion, but they were stymied by concerted opposition from large segments of the population and the Roman Catholic Church.

## East Timor

**Population:** 1,100,000  
**Capital:** Dili

**Political Rights:** 3  
**Civil Liberties:** 4  
**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,4PF	6,3PF	5,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,4PF	3,4PF	3,4PF

### Overview:

An assassination attempt in February 2008 left President Jose Ramos Horta severely wounded, but he recovered in Australia and returned to Dili in April. While the rebel soldiers involved in the attack later surrendered to security forces, it remained unclear who masterminded the events. Meanwhile, the coalition government struggled with corruption charges, and tensions in the police force mounted as officials pushed for reforms aimed at improving internal security. Separately, the Commission on Truth and Friendship released its final report, which concluded that the Indonesian civilian and military leadership had organized and implemented the scorched-earth campaign that followed East Timor's vote for independence in 1999.

Portugal abandoned East Timor in 1975 after four centuries of ineffective colonial rule. Indonesia, under the staunchly anticommunist regime of General Suharto,

invaded when the leftist Revolutionary Front for an Independent East Timor (Fretilin) declared independence later that year. East Timor became Indonesia's 26th province in 1976. Over the next two decades, Fretilin's armed wing, Falintil, waged a low-grade insurgency against the Indonesian army (TNI), which committed widespread human rights abuses as it consolidated control. Civil conflict and famine may have killed up to 180,000 Timorese during Indonesian rule.

International pressure on Indonesia mounted following the 1991 Dili massacre, in which TNI soldiers were captured on film killing more than 200 people. In 1999, 78.5 percent of the East Timorese electorate voted for independence in a referendum approved by Suharto's successor, B. J. Habibie. The TNI's scorched-earth response to the vote killed roughly 1,000 civilians, drove more than 250,000 into Indonesian West Timor, and destroyed approximately 80 percent of East Timor's buildings and infrastructure before an Australian-led multinational force restored order.

In 2001, East Timor elected a Constituent Assembly to draft a constitution. Fretilin fell just short of the two-thirds majority required to give it absolute control. Kay Rala Xanana Gusmao, a former head of Falintil and chairman of Fretilin until he broke from the party in 1988 to form a wider resistance coalition, won the presidency the following year. Independence was officially granted in May 2002. Despite growing frustration with the Fretilin government due to heightened unemployment and corruption, the party achieved a solid victory in the country's first local elections in 2004 and 2005.

Widespread rioting and violence erupted in the capital in May 2006, catalyzed by the firing of 600 defense force (F-FDTL) troops as well as frustration over rampant corruption and high levels of unemployment. After peaceful demonstrations, armed clashes between the police and mobilized civilian groups resulted in numerous deaths and displaced 150,000 people; Australian troops were deployed to restore security. Conflict escalated when fighting between soldiers and unarmed police left nine people dead. Allegations emerged that Prime Minister Mari Alkatiri had formed a hit squad to kill off his political opponents, and Alkatiri was forced to step down in June 2006. While a UN commission of inquiry blamed Alkatiri for the outbreak of violence, charges against him were later dropped. In March 2007, former interior minister Rogerio Lobato was found guilty of arming the hit squad, and he was sentenced to seven years and six months in prison. He was ultimately pardoned in May 2008.

Nobel Peace Prize winner and former foreign minister Jose Ramos Horta was appointed prime minister after Alkatiri stepped down. After serving less than a year in this capacity, Ramos Horta achieved a landslide victory of 69 percent in the May runoff of the 2007 presidential election, defeating Fretilin party president Francisco Guterres.

The June 2007 legislative elections revealed a significant decline in public support for Fretilin. Outgoing president Gusmao launched a new party, the National Congress for Timorese Construction (CNRT), to contest the legislative elections, which yielded no clear victor. CNRT then organized a coalition, the Alliance of the Parliamentary Majority (AMP). Both Fretilin and the AMP claimed the right to control government based on distinct constitutional provisions. Deadlock ensued, and in August 2007 Ramos Horta asked the AMP to form a government, appointing Gusmao as prime minister.

In February 2008, former F-FDTL major Alfredo Reinado led an assassination attempt against Prime Minister Gusmao and President Ramos Horta. Reinado had been arrested for involvement in the May 2006 uprising, but he and 56 others had escaped from prison in August 2006. Gusmao survived the attack unharmed, but Ramos Horta was severely injured. He was flown to Australia for surgery and returned to Dili several weeks later. Reinado was killed during the assassination attempt, while former army lieutenant Gastao Salsinha and the remaining rebels escaped. In April, the Roman Catholic Church brokered an agreement under which the fugitives surrendered to security forces.

While confusion lingered as to who masterminded the rebel attack, Reinado's funeral drew a crowd of 1,000, highlighting his popularity among Timorese youth. Initial hopes that Ramos Horta's return in April would stabilize the situation went unfulfilled; he appeared inconsistent and unreliable during public events, and he announced in June that he had been offered the position of UN human rights commissioner and was taking it under consideration.

Beginning in October, Fretilin threatened to organize a "March of Peace" of thousands in Dili to demand that the government call an early election. Prime Minister Gusmao promised to arrest protestors in order to maintain security, and accused Fretilin of deliberately attempting to increase tension. In November, the Constitutional Court ruled that the government's proposed 2009 budget was illegal. The budget aimed to double government expenditure in order to cushion the impact of higher food and fuel costs, primarily financed through the petroleum fund. The court ruled that the proposed amount to be withdrawn from the petroleum fund was unsustainable and therefore unconstitutional. The case was brought to the court by Fretilin opposition MPs. A leaked report by the UN Department of Peacekeeping Operations found in December that East Timor was at risk of political collapse, and urged an ongoing international peacekeeping presence. It cited weak judicial and police systems. The government denounced the report as inflammatory.

With a 50 percent unemployment rate, 40 percent of the population living under the poverty line, and approximately 15,000 internally displaced persons, East Timor remains the poorest country in Southeast Asia. At the end of 2008, the total value of the oil and gas fund was estimated to be \$4 billion, and the government is faced with the challenge of managing this income effectively. Bilateral ties with Australia remain strong, although some East Timorese resent the continued presence of Australian troops, partly because of the force's perceived bias against Fretilin and complaints about the division of offshore oil and gas fields between the two countries. Resentment lingers particularly over perceived asymmetry in a 2006 agreement between East Timor and Australia over the Greater Sunrise oil field located in the Timor Sea. East Timor maintains a sovereign claim to a maritime boundary that includes 80 percent of the oil field. Under the agreement, East Timor and Australia agreed to postpone border discussions for 40 years, and to share the revenue from the field equally.

### **Political Rights and Civil Liberties:**

East Timor is an electoral democracy. The directly elected president is a largely symbolic figure, with formal powers limited to the right to veto legislation and make certain appointments. In keeping with the five-year terms stipulated in the constitution, elections for the presidency and the unicameral Parliament were held in 2007, marking

the country's first direct legislative elections since the Fretilin-dominated Constituent Assembly became the Parliament after writing the charter in 2002. The elections were generally deemed free and fair. Personalities and old loyalties tied to the resistance movement of the 1970s influence political outcomes more than policy issues, as evidenced by Kay Rala Xanana Gusmao and Jose Ramos Horta's retention of the country's two top executive posts.

Despite the initial impasse over the results, the legislative elections ultimately brought greater pluralism to Parliament and an end to Fretilin's dominance of government. However, the new AMP coalition government enjoys only a slim majority; initially it held 37 out of 65 seats. In May 2008, the leader of the Social Democratic Association of Timor (ASDT) threatened to leave the AMP coalition after coming to an agreement with Fretilin. However, legislators from ASDT did not themselves drop from the coalition. Two legislators from the National Democratic Union for Timorese Independence (UNDERTIM) party joined the AMP coalition in May, giving the coalition a total of 39 seats. The government was able to maintain cohesion during the year despite rumors of an impending collapse and Fretilin's ongoing efforts to challenge its constitutional and popular legitimacy.

Frustration with corruption and nepotism was one reason for Fretilin's relatively poor showing in the 2007 elections; accusations of graft have continued under the AMP government. East Timor dropped from the 43rd percentile to the 39th percentile in the Fiscal Year 2009 Millennium Challenge Account report, primarily due to its low corruption score. The country was ranked 145 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. In July 2008, students protested the purchase of cars for members of Parliament, and tear gas was used to disperse the crowd. Later that month, Prime Minister Gusmao signed an exclusive \$14.4 million food-security contract with a company owned by the vice president of the CNRT.

The free flow of information in East Timor is hampered primarily due to shortages of infrastructure and resources. An estimated 68 percent of Timorese are reached by the national broadcaster Radio Timor-Leste, though few community radio stations are functional. Since 2007, East Timor Television (TVTL) has been available via satellite outside of Dili. East Timor has two major daily newspapers and two major weekly papers. The daily *Suara Timor Lorosae* is generally considered to be pro-Fretilin, while the weekly *Jornal Nacional Diaro* is loosely affiliated with the CNRT. Less than 1 percent of the population has access to the internet.

Press freedom is limited by the criminal defamation provisions of the Indonesian penal code that continue to apply until a new East Timorese penal code is promulgated. An East Timorese penal code was finalized in October 2008, however, and was awaiting ratification at year's end. The original draft of the bill maintained the defamation provisions of the Indonesian code, although the Ministry of Justice removed the criminal defamation provisions in September after public consultation, a move hailed by rights activists as a significant step toward expanding press freedom. Earlier in the year, Gusmao threatened to arrest local journalists who he claimed were contributing to instability in the wake of the February assassination attempt. Separately, in late February, a senior staff member of the *East Timor Post* was beaten while in military police custody. Journalists often feel intimidated and consequently practice self-censorship.

East Timor is a secular state, but the Roman Catholic Church plays a central role; 98 percent of the population is Roman Catholic. Church rules prohibit persons living under religious vows from holding political office. There are no significant threats to religious freedom or clashes among the country's different religious groups, which include a small minority of Muslims, mostly from Indonesia, and a growing number of evangelical Christian denominations. The practice of indigenous rituals remains strong, despite the dominance of the Catholic faith. Academic freedom is generally respected, though religious education is compulsory in schools.

Freedoms of association and assembly are constitutionally guaranteed, yet the 2004 Law on Freedom, Assembly, and Demonstration regulates political gatherings and prohibits demonstrations aimed at "questioning constitutional order" or disparaging the reputations of the head of state and other government officials. The law requires that demonstrations and public protests be authorized in advance.

East Timor's labor code, which is based on International Labor Organization standards, permits workers other than police and army personnel to form and join worker organizations. It also guarantees the rights to bargain collectively and to strike, although written notice must be given 10 days before a strike. Foreigners are barred from joining unions. Unionization rates are low due to high unemployment and the fact that more than 80 percent of the working population is employed in the informal sector.

The country suffers broadly from weak rule of law, a prevailing culture of impunity, and inadequate security forces. The legal system is fragile, with thousands of cases backlogged. Due process rights are often restricted or denied, largely because of a lack of resources and personnel. In May 2008, 94 criminals were pardoned, among them former interior minister Rogerio Lobato. His conviction had been hailed as a victory for the justice system in 2007, and his release was widely denounced. Also released was the pro-Indonesia militia leader Joni Marques, who had been convicted of crimes against humanity in 2000.

While the security situation has improved slightly, the country's future stability is in jeopardy. In September 2008, a six-month amnesty to collect illegal weapons ended; rather than extend the amnesty, the government chose to focus on passing a gun bill that could allow civilians to own firearms. The initial bill was defeated twice in Parliament. Meanwhile, measures to weed out corruption and professionalize the police force (PNTL) have created internal divisions similar to those within the army that sparked the 2006 unrest. In October, police checkpoints were set up to prevent officers from taking weapons home after work, after leaflets were distributed warning of action "against the government" if the new police commander originated from the eastern part of the country.

Approximately 1,500 UN police remain in East Timor to uphold internal security; there is currently no timeline for their withdrawal. The Gusmao government called for the Australian-led International Security Force (ISF) to remain throughout 2008 and the UN mission through 2012. Neither the PNTL nor the F-FDTL enjoy the trust and confidence of the population, and significant tensions dating back to the independence struggle persist between the two forces.

The final report of the Commission on Truth and Friendship (CTF) was released in July 2008, concluding that the Indonesian government and military organized and directed the scorched-earth campaign after the independence vote in 1999. Both the

Indonesian and East Timor presidents accepted the findings, while the East Timor Parliament has postponed debate on the report. The Catholic Church in East Timor had opposed the creation of the CTF and rejected the report. The commission had been formed after efforts to prosecute and convict Indonesian officials under the Commission for Reception, Truth, and Reconciliation in East Timor (CAVR) were halted in 2005. In June 2007, President Ramos Horta agreed to grant amnesty for perpetrators of crimes against humanity on the condition that they publicly confess to the CTF.

Equal rights for women are constitutionally guaranteed, yet domestic violence remains a persistent problem. It is estimated that half of all women were victims of gender-based crimes in 2008, while only a marginal fraction of cases of abuse were reported to the police. The country's weak legal system, coupled with the prevalence of customary law at the local level, means that abuse is rarely prosecuted. While women's participation in government remains much lower than that of men, women hold 18 out of 65 seats in Parliament and cabinet posts for three key ministries: Justice, Finance, and Social Affairs, Labor, and Solidarity.

## Ecuador

**Population:** 13,800,000

**Capital:** Quito

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	3,3F	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

**In March 2008, Colombian forces carried out a cross-border bombing raid on rebels based in Ecuador, dramatically raising tensions between the two countries. In September, voters approved a new constitution that granted extensive powers to the executive branch.**

Established in 1830 after achieving independence from Spain in 1822, the Republic of Ecuador has endured many interrupted presidencies and military governments. The last military regime gave way to civilian rule when a new constitution was approved by referendum in 1978.

In January 2000, President Jamil Mahuad was forced to step down after midlevel military officers led by Colonel Lucio Gutierrez joined large protests by indigenous groups. Congress then met in emergency session in the city of Guayaquil to ratify Vice President Gustavo Noboa, who did not belong to any political party, as the new constitutional president.

In October 2002 legislative elections, the Social Christian Party (PSC) secured the largest number of seats. Gutierrez won a surprise victory in that year's presidential election, pledging to eliminate corruption and ease acute rural poverty. His January 2003 inauguration marked the first time that Ecuador's head of state shared the ethnicity and humble background of the country's large indigenous population.

By the end of 2003, the president had been weakened by conflicts within his leftist coalition and the immediate effects of his tough fiscal policies, which supporters said had curbed inflation and improved Ecuador's balance of payments. The powerful Confederation of Indigenous Nationalities of Ecuador (CONAIE) movement soon withdrew support for Gutierrez, and dissent over fiscal and labor reforms spilled into the streets.

After a dismal showing by Gutierrez's Patriotic Society Party (PSP) in the October 2004 regional and municipal elections, the opposition began to press for his removal. In December, Gutierrez dismissed the Supreme Court for political bias, replacing the panel with loyal judges who granted immunity to several exiled politicians facing corruption accusations. When one such leader, former president Abdala Bucaram, returned to Ecuador, middle-income groups in Quito joined the protest movement against Gutierrez. The president sought to placate protesters by dismissing the new Supreme Court in April 2005, but he was ousted that month on the spurious charge of "abandonment of post."

Assuming the presidency, Vice President Alfredo Palacio initiated an elaborate factional balancing act and reversed his predecessor's fiscal policies, diverting funds to social programs. In late 2005, in an apparent attempt to bolster his waning popularity, Palacio demanded that contracts with foreign oil companies be renegotiated to meet terms more favorable to the state.

Demonstrations against foreign oil companies and a proposed free-trade agreement (FTA) with the United States dominated the first half of 2006, leading to emergency declarations in six provinces in February and March. In May, the government annulled the contract of U.S.-based Occidental Petroleum, accusing the company of violating its terms; the move prompted the United States to suspend FTA talks indefinitely. Meanwhile, relations with Colombia deteriorated as that country's military and guerrillas with the rebel Revolutionary Armed Forces of Colombia (FARC) crossed the border on several occasions.

Charismatic former finance minister Rafael Correa—who criticized free-market economic policies and pledged to renegotiate the country's foreign debt and end the FTA talks with the United States—finished second to banana magnate Alvaro Noboa in the first round of the presidential election in October 2006. Correa went on to win the runoff with 57 percent of the vote, but Noboa's Institutional Renewal Party of National Action (PRIAN) led congressional elections with 28 out of 100 seats. The PSP placed second with 24.

Correa soon began pressing Congress to authorize a referendum calling for a constituent assembly that would be empowered to write a new constitution. By the end of March 2007, the fight to determine the rules of the prospective assembly had led the congressional opposition to remove the head of the Supreme Electoral Tribunal (TSE). The tribunal subsequently dismissed 57 legislators, many of whom were replaced by alternates more sympathetic to the executive branch. When the Consti-



tutional Court declared the dismissals illegal, the reshaped Congress removed all nine of its judges. According to Human Rights Watch, all of these decisions "were without any credible basis in law."

In April 2007, some 82 percent of referendum voters approved the call for a constituent assembly with "full powers." Correa and his Country Alliance Movement, taking advantage of the battered and fragmented opposition, captured 80 of the assembly's 130 seats in September delegate elections.

Work on the new charter was fitful during the first half of 2008. The most significant interruption came on March 2, when Colombian warplanes bombed a FARC camp on Ecuadorean territory. Ecuador angrily denounced the attack and recalled its ambassador from Bogota. Despite several attempts at reconciliation, the two countries remained at odds for the rest of the year.

In July 2008, the government confiscated the first of what would eventually be over 250 businesses owned by the Grupo Isaias conglomerate. The government said it would sell the seized assets to compensate citizens whose savings were lost in the 1998 crash of an Isaias-owned bank, but critics noted that the two television stations confiscated in the action would be useful to the government during the forthcoming constitutional referendum and subsequent elections.

Meanwhile, the constituent assembly finally approved a draft constitution, composed of 444 articles, in late July. Supporters said it would do away with Ecuador's ossified party system while guaranteeing an array of rights and services to all citizens. Critics of the document argued that it concentrated both political and economic power in the hands of the president and posited a long list of rights that the state would be hard pressed to uphold.

In a September referendum, the new constitution passed with approximately 64 percent of the vote. A subset of 76 of the 130 constituent assembly members were tasked with fulfilling legislative duties during the transition period, including enactment of an election law that would govern presidential and legislative elections scheduled for April 2009.

### **Political Rights and Civil Liberties:**

Ecuador is an electoral democracy. However, it suffers from an unstable political system that has brought it eight presidents since 1996. The 2006 elections, while generally free and fair, were plagued by technical glitches. Elections to the constituent assembly in 2007 were deemed free and fair by the European Union, as was the September 2008 constitutional referendum.

The 2008 constitution provides for a president elected to a four-year term, with one possible reelection; in practice, this means that President Rafael Correa could serve until 2017. To win without a runoff, presidential candidates must garner 40 percent of the first-round votes and beat their closest rival by at least 10 percentage points. The unicameral National Assembly is elected via party-list proportional representation, with 124 seats up for election in 2009. The president has the authority to dissolve the legislature once in his term, which triggers new elections for both the assembly and the presidency, the assembly can likewise dismiss the president, though under more stringent rules.

For decades, Ecuador's parties have been largely personality-based, clientelist, and fragile. Correa's Country Alliance party, though not fully ideologically coher-

ent, is currently dominant; its competitors include PRIAN, the PSP, the PSC, and the Ethics and Democracy Network (RED).

Politics are affected by regionalist tension between the coast, which is the base of both the economic elite and the Afro-Ecuadorian minority, and the interior (both the Andean mountain region and the Amazon River basin), where indigenous groups are centered. Despite Correa's roots in Guayaquil, the country's largest city and commercial center, opposition to his administration is concentrated there. Indigenous representation has increased greatly over the past 15 years; the CONAIE indigenous movement is one of the better-organized and more vocal social groups in the country.

Ecuador is racked by corruption. Numerous politicians and functionaries have been investigated for graft, and the public perceives corruption to be present in nearly every social sphere. In 2008, the sports minister was forced to resign when evidence of substantial graft within his ministry emerged. The country was ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Constitutional guarantees of freedom of expression are generally observed, and the media, most of which are privately owned, are outspoken. However, relations between the press and Correa are poor. He has frequently accused the media of improper links with private interests and often refers to journalists as corrupt liars and feral beasts, among other slurs. In May 2007, Correa filed a defamation suit against the editor of the newspaper *La Hora* for an editorial that accused him of governing with "tumult, sticks and stones"; the case was closed in 2008. Separately, two reporters received jail sentences for defamation in 2008. The two television stations seized by the authorities in July as part of the Grupo Isaias case subsequently softened their editorial line toward the government. Separately, press watchdog groups warned that several vague articles in the new constitution opened the door to potentially abusive new forms of regulation. Internet access is unrestricted.

The constitution provides freedom of religion, and the authorities respect this right in practice, though tensions between the government and the Catholic Church increased during the run-up to the constitutional referendum. Academic freedom is not restricted.

The right to organize political parties, civic groups, and unions is upheld by the authorities. Ecuador has numerous human rights organizations, and despite occasional acts of intimidation, they report openly on arbitrary arrests and instances of police brutality and military misconduct. Human rights groups loudly protested repression by security forces and the large volume of arrests during protests related to the draft mining law being debated in late 2008. The country's labor unions have the right to strike, though the labor code limits public sector strikes. A mere 1 percent of the workforce, which is concentrated in the informal sector, is unionized.

The judiciary, broadly undermined by the corruption afflicting all government institutions, remained in a state of crisis following the political turmoil of 2005 and the struggle between the executive and legislative branches in 2007. The highest judicial bodies under the new constitution are the 9-member Constitutional Court and the 21-member National Court of Justice (CNJ). Following approval of the new charter, the majority of previous Supreme Court members selected to serve on the CNJ refused to take their seats. A standoff of several months ended with an agree-

ment in which former alternate Supreme Court judges occupied a majority of the new court's positions.

A new criminal code in 2001 replaced the existing civil law-based, inquisitorial system with aspects of a common-law, adversarial system. However, judicial processes remain slow; many inmates reach the time limit for pretrial detention while their cases are still under investigation. The number of inmates in the country's overcrowded prisons is more than double the intended capacity, and torture and ill-treatment of detainees and prisoners remain widespread. In late 2008, the Ministry of Justice began to prepare an overhaul of the criminal justice system, including the drafting of a new criminal procedure code.

Civil-military tensions increased in 2008 following the cross-border raid by Colombian forces. After it emerged that military officials had provided information to their Colombian counterparts that had not been provided to Correa, Defense Minister Wellington Sandoval and several senior commanders were dismissed.

In 2007, Correa presented a plan to increase spending on services for the hundreds of thousands of Colombian refugees in Ecuador. The country continued efforts to grant residency status to the refugees in 2008.

Despite their significant political influence, indigenous people continue to suffer discrimination at many levels of society. In the Amazon region, indigenous groups have attempted to win a share of oil revenues and a voice in natural-resources and development decisions. Although the government tends to consult indigenous communities on natural-resources matters, their wishes are not always granted. Indigenous activists frequently report threats and violence against them by state and private security forces. In 2008, a new draft mining law led to conflict between the government and indigenous groups, including several violent protests. Debate on the law in the transitional assembly continued at year's end.

Women held 45 of 130 seats in the constituent assembly, and the new constitution calls for significant female presence throughout the public sphere. Violence against women is common, as is employment discrimination. Trafficking in persons, generally women and children, remains a problem.

# Egypt

Population: 74,900,000

Capital: Cairo

Political Rights: 6

Civil Liberties: 5

Status: Not Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,6NF	6,6NF	6,6NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

A reenergized Egyptian state continued to assert its power over civil society in 2008. The long-standing emergency law was extended, President Hosni Mubarak's critics were methodically sidelined and detained, and journalists were forced to contend with prosecutorial harassment.

Egypt formally gained independence from Britain in 1922 and acquired full sovereignty following World War II. After leading a coup that overthrew the monarchy in 1952, Colonel Gamal Abdel Nasser established a state centered on the military hierarchy and ruled until his death in 1970. The constitution adopted in 1971 under his successor, Anwar al-Sadat, established a strong presidential system with nominal guarantees for political and civil rights that were not respected in practice. Sadat signed a peace treaty with Israel in 1979 and built an alliance with the United States, which provided the Egyptian government with roughly \$2 billion in aid annually.

Following Sadat's assassination in 1981, then vice president Hosni Mubarak became president and declared a state of emergency, which has been in force ever since. Despite abundant foreign aid, the government failed to implement comprehensive economic reforms. A substantial deterioration in living conditions and the lack of a political outlet for many Egyptians fueled an Islamist insurgency in the early 1990s. The authorities responded by jailing thousands of suspected militants without charge and cracked down heavily on political dissent. Although the armed infrastructure of Islamist groups had been largely eradicated by 1998, the government continued to restrict political and civil liberties as it struggled to address Egypt's dire socioeconomic problems.

Economic growth in the late 1990s temporarily alleviated these problems, but the country experienced a downturn after the 2001 terrorist attacks on the United States. Popular disaffection with the government spread palpably, and antiwar protests during the U.S.-led invasion of Iraq in 2003 quickly evolved into antigovernment demonstrations, sparking a harsh response by security forces.

The government embarked on a high-profile effort to cast itself as a champion of reform in 2004. Mubarak removed several "old guard" ministers, appointed a new cabinet of younger technocrats, and introduced market-friendly economic reforms.

However, the awarding of key economic portfolios to associates of the president's son Gamal, himself a rising star in the ruling party, raised concerns that the changes were simply preparations for a hereditary transition.

Meanwhile, a consensus emerged among leftist, liberal, and Islamist political forces as to the components of desired political reform: direct, multicandidate presidential elections; the abrogation of the emergency law; full judicial supervision of elections; the lifting of restrictions on the formation of political parties; and an end to government interference in the operation of nongovernmental organizations (NGOs). The opposition nevertheless remained polarized between unlicensed and licensed political groups, with the latter mostly accepting the regime's decision to put off reform until after the 2005 elections.

In December 2004, Kifaya (Enough), an informal movement encompassing a broad spectrum of secular and Islamist activists, held the first-ever demonstration explicitly calling for Mubarak to step down. Despite a heavy-handed response by security forces, Kifaya persisted with the demonstrations in 2005, leading other opposition groups to do likewise. The United States was also pressing Egypt to democratize at the time.

Mubarak called for a constitutional amendment that would allow Egypt's first multicandidate presidential election, but the proposed amendment restricted eligibility to candidates who were nominated by licensed parties or a substantial bloc of elected officials. Consequently, all major opposition groups denounced the measure and boycotted the referendum that approved it.

The results of the September 2005 election were predictably lopsided, with Mubarak winning 88 percent of the vote. His main opponent, Al-Ghad (Tomorrow) Party chairman Ayman Nour, took just 8 percent; having been charged earlier in the year with forging signatures in his party's petition for a license, Nour was convicted and sentenced to five years in prison a few months after the election. Three rounds of legislative elections in November and December 2005 featured a strong showing by members of the formally banned Muslim Brotherhood, who ran as independents. The Brotherhood increased its representation in the parliament sixfold, to 88 of 454 seats. Still, the ruling National Democratic Party (NDP) remained dominant. Voter turnout was low, and violent attacks on opposition voters by security forces and progovernment thugs abounded. Judges criticized the government for failing to prevent voter intimidation and refused to certify the election results, prompting the authorities to suppress judicial independence in 2006.

The government postponed the 2006 municipal elections until 2008 and began a renewed crackdown on the Muslim Brotherhood. U.S. pressure for democratic reform had subsided after the Brotherhood's recent gains and the victory of Hamas in the January 2006 Palestinian elections. In March 2007, a set of 34 constitutional amendments were submitted to a national vote. Official reports stated that only 25 percent of eligible voters participated, with 76 percent of those approving the proposals, but independent monitors put the turnout closer to 5 percent. Opposition leaders boycotted the referendum on the grounds that the amendments would limit judicial monitoring of elections and prohibit the formation of political parties based on religious principles. The Judges' Club accused the government of ballot stuffing and vote buying. The Shura Council elections that June were similarly marred by irregularities, and the Muslim Brotherhood was prevented from winning any seats.

When the postponed municipal elections were finally held in 2008, the Brotherhood was again shut out, and the government's ongoing crackdown on the group led to lengthy prison terms for many senior members.

**Political Rights and Civil Liberties:** Egypt is not an electoral democracy. The political system is designed to ensure solid majorities for the ruling NDP at all levels of government. Constitutional amendments passed in 2007 banned religion-based political parties, ensuring the continued suppression of the Muslim Brotherhood, a nonviolent Islamist group that represents the most organized opposition to the government. President Hosni Mubarak, who has been in power since 1981, serves six-year terms and appoints the cabinet and all 26 provincial governors. The first multicandidate popular election for the presidency was held in 2005.

The 454-seat People's Assembly (Majlis al-Sha'b), parliament's lower house, exercises only limited influence on government policy, as the executive initiates almost all legislation. Ten of its members are appointed by the president, and the remainder are popularly elected to five-year terms. The 264-seat upper house, the Consultative Council (Majlis al-Shura), functions only in an advisory capacity. The president appoints 88 of its members; the rest are elected to six-year terms, with half coming up for election every three years. As a result of government restrictions on the licensing of political parties, state control over television and radio stations, and systemic irregularities in the electoral process, legislative elections do not meet international standards.

The 2007 constitutional amendments allow citizens to form political parties "in accordance with the law," but no party can be based on religion, gender, or ethnic origin. Previously, new parties required the approval of an NDP-controlled body linked to the Shura Council. Religious parties have long been banned, but members of the Muslim Brotherhood have competed as independents. Also under the new rules, a party must have been continuously operating for at least five years and occupy at least 5 percent of the seats in parliament in order to nominate a presidential candidate.

The June 2007 Shura Council elections put the new constitutional amendments into practice. Police detained a number of Muslim Brotherhood members on election day, including six candidates, for violating the ban on religious parties. Prior to municipal council elections in April 2008, the police arrested hundreds of would-be candidates. Authorities also prevented thousands of Muslim Brotherhood candidates from registering and effectively excluded them from the process.

The Muslim Brotherhood has faced a renewed, orchestrated government crackdown that began in 2006. Members and supporters are regularly detained on dubious charges. Senior Brotherhood members are sometimes charged in military courts, which do not allow appeals. In April 2008, a military court convicted over two dozen Brotherhood activists, including deputy leader Khairat al-Shatir, on charges of money laundering and belonging to a banned organization. The men received sentences that ranged from 3 to 10 years in prison.

Corruption remains pervasive. Egypt was ranked 115 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is restricted in law and in practice. The parliament passed

a press law in 2006 that abolished custodial sentences for libel, but it also increased the fines that could be imposed. Journalists and human rights groups noted that the measure allowed judges to determine whether imprisonment was appropriate for other, related offenses. Authorities continue to use an array of security and other laws to curb free expression.

Government harassment of the press continued in 2008. Journalists were prevented from covering events, prosecuted on dubious charges, fined, and sentenced to prison time. In February, an appeals court upheld the conviction of a reporter for Qatar-based Al-Jazeera television, Howaida Taha, who was accused of harming the country's reputation in connection with a documentary on police brutality. Her original six-month prison sentence was rescinded, but a fine imposed on her was upheld. In late September, an appeals court upheld the March conviction of prominent *Al-Dustour* newspaper editor Ibrahim Issa, but reduced his sentence from six to two months in jail. Several days later, the president pardoned Issa, who had been convicted of publishing false information and rumors about the president's health. Although neither journalist served a prison sentence, the episodes served as a reminder of the government's control over the fate of critical reporters.

The government exercises influence over all privately owned publications through its monopoly on printing and distribution. The three leading daily newspapers are state controlled, and their editors are appointed by the president. Foreign publications and Egyptian publications registered abroad are subject to direct government censorship. Several private satellite television stations have been established, but their programming is subject to state influence. Films, plays, and books are subject to censorship, especially on grounds of containing information that is "not in accordance with the principles of Islam" or harmful to the country's reputation. A number of books and movies have been banned based on the advice of the country's senior clerics.

The government does not significantly restrict or monitor internet use, but follows online media closely and punishes bloggers for perceived transgressions. Blogger Abdel Kareem Nabil Suleiman was sentenced to four years in prison in 2007 for "inciting hatred of Islam" and insulting the president. He remained behind bars at the end of 2008. In addition to Suleiman, several other bloggers were detained and released from their posts throughout 2008, and at least three were still detained at year's end.

Islam is the state religion. The government appoints the staff of registered mosques and attempts to closely monitor the content of sermons in thousands of small, unauthorized mosques. Most Egyptians are Sunni Muslims, but Coptic Christians comprise a substantial minority, and there are small numbers of Jews, Shiite Muslims, and Baha'is. Although non-Muslims are generally able to worship freely, religious expression considered deviant or insulting to Islam is subject to prosecution. In January 2008, a court ruled that the authorities could not prevent Baha'is from receiving identity cards. The religion section on Baha'i cards will now be left blank. In February, the Supreme Administrative Court found that Christians who had converted to Islam and wanted to return to Christianity were permitted to do so. Anti-Christian employment discrimination is evident in the public sector, especially the security services and military. The government frequently denies or delays permission to build and repair churches.

Academic freedom is limited in Egypt. Senior university administrators are appointed by the government, and the security services reportedly influence academic appointments and curriculum on sensitive topics. University professors and students have been prosecuted for political and human rights advocacy outside of the classroom.

Freedoms of assembly and association are heavily restricted. Organizers of public demonstrations must receive advance approval from the Interior Ministry, which is rarely granted. The Emergency Law allows arrest for innocuous acts such as insulting the president, blocking traffic, or distributing leaflets and posters. Authorities have cracked down more zealously on protesters and labor activists in recent years, partly because U.S. pressure for democratic reform has eased.

The Law of Associations prohibits the establishment of groups "threatening national unity [or] violating public morals," bars NGOs from receiving foreign grants without the approval of the Social Affairs Ministry, requires members of NGO governing boards to be approved by the ministry, and allows the ministry to dissolve NGOs without a judicial order. Security services have rejected registrations, decided who could serve on boards of directors, harassed activists, and intercepted donations.

The 2003 Unified Labor Law limits the right to strike to "nonstrategic" industries and requires workers to obtain approval for a strike from the government-controlled Egyptian Trade Union Federation, the only legal labor federation. Nevertheless, Egypt has been swept by a wave of wildcat strikes since late 2006. The strikes continued throughout 2008 and began to increase in scope from the local to the national level. The government has used a mix of threats, arrests, and concessions to cope with the work stoppages. In April, the police forcefully shut down a labor protest in Mahalla, an industrial town north of Cairo where many labor actions have been organized.

The Supreme Judicial Council, a supervisory body of senior judges, nominates and assigns most members of the judiciary. However, the Justice Ministry controls promotions and compensation packages, giving it undue influence over the courts. The 2006 Judicial Authority Law offered some concessions to judicial independence, but fell short of reforms advocated by the Judges' Club.

Egypt remains subject to the Emergency Law, invoked in 1981 and renewed most recently in April 2008 despite Mubarak's 2005 promise that it would be replaced with specific antiterrorism legislation. Under the Emergency Law, "security" cases are usually placed under the jurisdiction of exceptional courts that are controlled by the executive branch and deny defendants many constitutional protections. The special courts issue verdicts that cannot be appealed and are subject to ratification by the president. Although judges in these courts are usually selected from the civilian judiciary, they are appointed directly by the president. Arrested political activists are often tried under the Emergency Law. The recently approved amendments to the constitution essentially enshrine many controversial aspects of the Emergency Law, such as the president's authority to transfer civilians suspected of terrorism to military courts.

Since military judges are appointed by the executive branch to renewable two-year terms, these tribunals lack independence. Verdicts by military courts are often handed down on the basis of little more than the testimony of security officers and informers, and are subject to review only by a body of military judges and the president. Legislation passed in 2007 allows for limited appeal of military court decisions,



but opposition figures denounced it as an inadequate attempt to bolster the rights guarantees of the new constitutional amendments.

The Emergency Law restricts many other basic rights. It empowers the government to tap telephones, intercept mail, search persons and places without warrants, and indefinitely detain without charge suspects deemed a threat to national security.

The Egyptian Organization for Human Rights (EOHR) has reported that as many as 16,000 people are detained without charge for security-related offenses, and thousands have been convicted and are serving sentences. Conditions in Egyptian prisons are very poor; prisoners are subject to torture, overcrowding, abuse, and a lack of sanitation, hygiene, and medical care.

Human rights groups like Human Rights Watch (HRW) have criticized Egypt's treatment of migrants and refugees from Sudan and other African states. HRW reported that from June 2007 through November 2008, Egyptian authorities shot and killed at least 32 migrants trying to enter Israel.

Although the constitution provides for equality of the sexes, some aspects of the law and many traditional practices discriminate against women. Unmarried women under the age of 21 need permission from their fathers to obtain passports. A Muslim heiress receives half the amount of a male heir's inheritance, though Christians are not subject to such provisions of Islamic law. Domestic violence is common, and spousal rape is not illegal. Job discrimination is evident even in the civil service. The government has been involved in a major public information campaign against female genital mutilation, but it is still widely practiced.

## El Salvador

**Population:** 7,200,000  
**Capital:** San Salvador

**Political Rights:** 2  
**Civil Liberties:** 3  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F

### Overview:

Political violence related to elections scheduled for early 2009 rose in 2008, and in October parties signed a pact to prevent such violence as well as inflammatory campaign tactics.

Economic growth began to slump during the year as a result of the global economic climate, and persistent poverty continued to fuel crime and outward migration.

El Salvador gained independence from Spain in 1821 and broke away from a Central American federation in 1841. A republican political system dominated by the

landowning elite, and subject to foreign interference, gave way to military rule in the mid-20th century. The country endured a civil war from 1979 to 1992 that left more than 75,000 people dead and 500,000 displaced. During the war, which pitted the right-wing military government against Marxist guerrillas led by the Farabundo Marti National Liberation Front (FMLN), paramilitary death squads terrorized the capital and other urban centers.

The National Republican Alliance (ARENA) has held the presidency since 1989. Elias Antonio Saca Gonzalez won the 2004 election with 58 percent of the vote, and Shafik Handal of the FMLN, which had evolved into an opposition political party after the war, placed second with 36 percent. The balloting was relatively peaceful and free of major irregularities, despite threats of intervention from both within the country and abroad.

Handal, the FMLN's legendary leader, died of a heart attack in January 2006, but the event did not appear to affect the outcome of legislative and municipal elections that March. ARENA won 34 of 84 seats in the Legislative Assembly, up from 27 in 2003. The FMLN took 32 seats, the National Conciliation Party (PCN) captured 10, the Christian Democratic Party (PDC) won 6, and the Democratic Convergence party took 2.

In 2007, the conservative ARENA and PCN, responding to the rise of the left in neighboring Nicaragua and other Latin American countries, began to build an alliance aimed at blocking the FMLN from taking power in the 2009 elections. The Supreme Electoral Tribunal (TSE) announced in September 2008 that it had finalized a voter registry of about 4.2 million people, but it claimed that it was unable to remove the names of voters who may have died. A 2007 audit by the Organization of American States (OAS) had identified 85,000 deceased voters on the registry. Also in September, the TSE announced the country's first-ever restrictions on international electoral observers, and granted official status only to missions from the European Union, the OAS, and the Inter-American Union of Electoral Organisms.

Political violence related to the upcoming elections increased in 2008. The FMLN and ARENA accused each other of instigating violence, and the office of the country's human rights ombudsman drafted a nonviolence pact that was signed by representatives of all major parties in October. The agreement obliged the parties to prevent violence among their supporters, avoid confrontational language while campaigning, implement mechanisms to maintain discipline among party members, and recognize the legitimacy of the election results.

El Salvador's epidemic murder rate continued to drop in 2008, with a daily average of 8.7 murders, down from 10 per day in 2007 and 10.8 in 2006. The majority of homicides occur in the metropolitan area of San Salvador. Crime has affected commerce as well as individuals, and businesses are subject to regular extortion by organized criminal groups. Saca's administration has claimed that street gangs (*maras*), with an estimated 100,000 members and associates, are behind the country's crime problems. The forced repatriation of hundreds of Salvadoran criminals from the United States has contributed to the violence and reflects the international reach of major gangs like Mara Salvatrucha (also known as MS-13). The government has responded with round-ups of suspected members and crackdowns on the display of gang symbols. Unofficial death squads and vigilantes, allegedly linked to the police and army, have also emerged to combat the gangs with extrajudicial killings.

The Dominican Republic-Central American Free Trade Agreement (DR-CAFTA), which lowered trade barriers between five Central American countries, the Dominican Republic, and the United States, took effect in 2006. However, the benefits in foreign investment and job creation predicted by the Saca administration have been lackluster, despite a 38 percent increase in U.S. investment stemming mostly from U.S.-based Citigroup's acquisition of El Salvador's Cuscatlan Financial Group in 2007. Gross domestic product growth slowed to about 3.0 percent in 2008, due in part to recession conditions in the United States. It is estimated that between 30 and 40 percent of all Salvadorans live in poverty, and 70 percent of the potential workforce is either underemployed or unemployed.

Poor economic conditions and a recent series of natural disasters have spurred further mass emigration from El Salvador, which began during the civil war. According to the Inter-American Development Bank, there are approximately 1.5 million Salvadorans living in the United States, and migrants sent back nearly \$3.7 billion in remittances in 2007; this source of income was expected to suffer as deportations mounted and the U.S. economy faltered.

### **Political Rights and Civil Liberties:**

El Salvador is an electoral democracy. The 2006 legislative and 2004 presidential elections were deemed free and fair.

The president is elected for a five-year term, and the 84-member, unicameral Legislative Assembly is elected for three years. The two largest political parties are the conservative ARENA and the FMLN, formerly a left-wing guerrilla organization. Other parties include the PCN, the PDC, and Democratic Convergence.

Corruption is regarded as a serious problem throughout government. In 2006, the legislature approved an Ethics Law designed to combat corruption in the public sector, but critics, including Governance Commissioner Gloria Salguero Gross, stressed that the law needed to be strengthened with an access-to-information component. El Salvador was ranked 67 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution provides for freedom of the press, and this right is generally respected in practice. The media are privately owned, but ownership is confined to a small group of powerful businesspeople who often impose controls on reporters to protect their political or economic interests. The ARENA-aligned TeleCorporacion Salvadoreno (TCS) owns three of the five private television networks and dominates the ratings. Reporters are subject to criminal defamation laws, and judges can close legal proceedings to the media on national security grounds. In 2003, the Legislative Assembly exempted journalists from having to reveal their sources if ordered to testify in a court case. In January 2008, an owner of Radio Cadena Mi Gente, William Osmar Chamagua Morataya, reported receiving death threats related to programming that criticized the government, including a show hosted by the FMLN presidential candidate. Salvadoran courts sentenced three gang members in May 2008 for the 2007 murder of journalist Salvador Sanchez Roque, but human rights organizations criticized the prosecutors for neglecting to investigate the motives behind the killing. In September 2008, reporters filming a documentary in the department of La Libertad were allegedly attacked and threatened by municipal officials. Some reporters have been accused of using their status for personal gain, raising

ethical concerns. There is unrestricted access to the internet, and the government and private organizations have worked to extend internet access to the poor.

The government does not encroach on religious freedom, and academic freedom is respected.

Freedoms of assembly and association are generally upheld, but a vaguely worded 2006 antiterrorism law has raised concerns about the potential repression of left-leaning social movements. Police arrested 14 people on terrorism charges during a July 2007 protest in Suchitoto against the privatization of water services. The detainees included a journalist as well as the leaders of local labor unions and community activist groups, though all of the charges were dropped in February 2008. One of those arrested, Hector Antonio Ventura, was assassinated by unknown assailants in May 2008; an investigation was ongoing at year's end.

El Salvador's wide array of nongovernmental organizations (NGOs) generally operate freely, but some have reported registration difficulties. Labor unions have long faced obstacles in a legal environment that has traditionally favored business interests. Under pressure from the European Union, El Salvador ratified International Labor Organization conventions 87, 98, 135, and 151 in 2006. However, many activists have voiced doubts as to whether these protections would be enforced.

The ineffectual and corrupt judicial system continues to promote impunity, especially for the well connected. Members of the National Security Commission estimate that 80 percent of crimes against life go unpunished, while the UN Development Programme reports that less than 20 percent of homicide cases reach the courts, and only 3.8 percent of crimes end in a conviction. The World Bank-financed Judicial Modernization Project, implemented from 2006 to 2008, was designed to enhance the judiciary's effectiveness and credibility through a system of monitoring and evaluation.

The office of the human rights ombudsman, who is elected by the National Assembly for a three-year term, was created by the 1992 peace accords. While human rights abuses have declined steadily since the end of the war, civil liberties are still limited by sporadic political violence, repressive police measures, and vigilante groups. President Elias Antonio Saca Gonzalez, like other Central American leaders, has continued to use "iron fist" (*mano duro*) tactics against the country's powerful gangs, including house-to-house sweeps by the police and military. However, judges have often refused to approve warrants for such wide searches.

Beyond the gang-related violence, law enforcement officials have been criticized for brutality, corruption, arbitrary arrest, and lengthy pretrial detention. In 2007, the National Civil Police reported evidence that some officers were moonlighting as hired assassins. As of 2008, there were some 18,000 inmates held in a prison system that was designed to house just 8,000, and it is estimated that about half of the inmates are awaiting trial.

Salvadoran law, including a 1993 general amnesty, bars prosecution of crimes and human rights violations committed during the civil war. In 2006, the Inter-American Court of Human Rights chastised the government for failing to fully comply with its 2005 order to investigate the 1981 massacre of more than 500 people by government troops in the village of El Mozote. Saca had denounced the investigation, saying it could disrupt the country's peace. Some NGOs have begun addressing wartime human rights violations such as the disappearance of children, and many rebuke the authorities for refusing to support these efforts.

There are three indigenous groups in El Salvador: Nahua-Pipiles, Lencas, and Cacaoperas. However, much of the indigenous population has been assimilated into Spanish culture. There are no national laws regarding indigenous rights. According to the U.S. State Department's 2008 human rights report, access to land and credit remain problems for indigenous people.

While women are granted equal rights under family and property law, they are occasionally discriminated against in practice; women also suffer discrimination in employment. Human trafficking for the purpose of prostitution is a serious problem. In 2008, El Salvador was ranked as a Tier 2 country on the U.S. State Department's Trafficking in Persons Report. Child labor also continues to be an area of concern, and one 2007 estimate held that up to a third of the workers on the country's sugar-cane plantations were under the age of 18. Violence against women and children is widespread.

## Equatorial Guinea

**Population:** 600,000

**Capital:** Malabo

**Political Rights:** 7

**Civil Liberties:** 7\*

**Status:** Not Free



**Ratings Change:** Equatorial Guinea's civil liberties rating declined from 6 to 7 due to an intensification of the environment of fear stemming from the widespread use of torture in prisons, as well as the denial of visas to foreign journalists seeking to cover the May legislative and municipal elections.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	6,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,7NF

### Overview:

Local and parliamentary elections were held in May 2008 after President Teodoro Obiang Nguema Mbasogo dissolved the legislature in February. The opposition condemned the balloting, citing voting irregularities and intimidation that allowed the president to maintain his stranglehold on power. The use of torture in prisons continued to be widespread, and foreign journalists were banned from covering the May elections, further restricting the media environment.

Equatorial Guinea achieved independence from Spain in 1968. Current president Teodoro Obiang Nguema Mbasogo seized power in 1979 after deposing and murdering his uncle, Francisco Macias Nguema. Pressure from donor countries forced Obiang to legalize a multiparty system in 1992, though he remained in office.

Obiang won the 1996 presidential election amid intimidation, a boycott by the political opposition, and low voter turnout. The ruling Democratic Party of Equatorial Guinea (PDGE) won 75 of 80 seats in similarly flawed parliamentary elections in 1999. The president secured another seven-year term with 99.5 percent of the vote in 2002. He formed a "government of national unity" with eight smaller parties, but key portfolios remained with presidential loyalists. The PDGE won 68 of 100 seats in 2004 parliamentary elections, and allied parties took another 30. The opposition Convergence for Social Democracy (CPDS) won the remaining 2 seats.

An apparent coup attempt involving foreign mercenaries was foiled in 2004. Several men emerged as the alleged coup leaders: Severo Moto, an opposition figure in exile in Spain; Simon Mann, a former British commando; Eli Calil, a South African financier; and Sir Mark Thatcher, son of former British prime minister Margaret Thatcher. Moto was sentenced in absentia to 62 years in prison, while Mann spent 4 years in a Zimbabwean prison before being extradited to Equatorial Guinea and incarcerated in early 2008. Also in 2008, arrest warrants were issued for Thatcher and Calil. In March, the Spanish Supreme Court reinstated Moto's asylum status, which had been revoked in 2005. However, Moto was arrested the following month for allegedly trafficking arms bound for Equatorial Guinea.

A separate group of 19 Equatorial Guineans accused of involvement in another 2004 coup attempt were tried in 2005 and received prison sentences of up to 30 years. Amnesty International expressed concern over the likely use of torture in extracting their confessions. In the years since the coup attempts, Obiang has freed or granted amnesty to some political prisoners, including Armenian and South African citizens, who were allegedly involved.

In March 2008, Saturnino Ncogo Mbomio, a member of the banned opposition Progress Party of Equatorial Guinea (PPGE), died in police custody. His arrest was in connection to the weapons that Moto was allegedly sending to Equatorial Guinea. Additionally, at least seven other current and former PPGE members were arrested in March in an apparent attempt to crack down on the opposition in advance of the May election. In October, opposition figure Cipriano Nguema Mba, who fled to Cameroon and was granted political asylum following the second 2004 coup attempt, was abducted by two Cameroonian policemen and extradited to Equatorial Guinea.

Obiang dissolved the parliament in February 2008 and brought forward legislative and municipal elections. A new propresidential coalition was created ahead of the May votes, comprising the PDGE and a group of nine smaller parties known as the Democratic Opposition. The coalition won 100 percent of the vote in many districts, taking 99 out of 100 parliament seats, while the CPDS, the sole opposition party, gained the remaining seat. The opposition denounced the elections, citing voting irregularities and intimidation.

Prime Minister Ricardo Mangue Obama Nfubea and his cabinet resigned in July 2008 over allegations of corruption and mishandling of the 2004 coup plots. However, Obiang reappointed most of the ministers to a new administration headed by Ignacio Milam Tang.

Equatorial Guinea, Africa's third-largest oil producer, has attracted billions of dollars in foreign investment. In 2007, contracts to develop new oil blocks were awarded to South African, Indian, Nigerian, and Swiss companies. The government signed an energy cooperation agreement with the Russian state-owned company

Gazprom in October 2008. However, Equatorial Guinea's oil revenues do not reach the majority of the population. According to Global Witness, 60 percent of the population lives on less than \$1 a day despite billions of dollars in annual government revenues. Equatorial Guinea ranked 127 out of 177 countries on the UN Development Programme's 2007/2008 Human Development Index.

In September 2008, Equatorial Guinea and Gabon made progress toward referring their dispute over several potentially oil-rich Gulf of Guinea islands to the International Court of Justice (ICJ). The Community of Portuguese Language Countries (CPLP) is also considering Equatorial Guinea's request for full membership. Obiang has promised to make Portuguese an official language, and Equatorial Guinea's oil reserves are attractive to CPLP members, despite the country's poor human rights record.

### **Political Rights and Civil Liberties:**

Equatorial Guinea is not an electoral democracy and has never held credible elections. President Teodoro Obiang Nguema Mbasogo, whose current seven-year term will end in 2009, holds broad powers. The 100 members of the unicameral House of People's Representatives are elected to five-year terms but wield little power, and 99 seats belong to the ruling pro-presidential coalition. The activities of the few opposition parties, in particular the CPDS, are closely monitored by the government. A clan network linked to the president underlies the formal political structure.

Equatorial Guinea is considered one of the most corrupt countries in the world. Obiang and members of his inner circle continue to amass huge personal profits from the oil windfall. The president has argued that information on oil revenues is a "state secret," resisting calls for transparency and accountability. According to Global Witness, the government has not disclosed the location of more than \$2 billion in national revenue. In August 2008, the president established a commission to monitor national oil operations. Equatorial Guinea was ranked 171 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although the constitution guarantees press freedom, the 1992 press law authorizes government censorship. A few private newspapers and underground pamphlets are published irregularly, and they face financial and political pressure. Libel remains a criminal offense, and all journalists are required to register with the government. The state holds a monopoly on broadcast media except for RTV-Asonga, a private radio and television outlet owned by the president's son, Teodorino Obiang Nguema. Satellite television is increasingly popular, and Radio Exterior, Spain's international shortwave service, is listened to widely. The only internet service provider is state affiliated, and the government reportedly monitors internet communications. In May 2008, the International Federation of Journalists (IFJ) denounced the government's refusal to issue visas to Spanish journalists attempting to cover the legislative and municipal elections. In September, police raided the CPDS headquarters in search of a radio transmitter, despite a pending request for permission to establish a radio station with the Ministry of Information and ongoing negotiations between the CPDS and authorities. No further action was taken against the CPDS, but harassment and threats persist, according to Amnesty International.

The constitution protects religious freedom, and government respect for freedom of individual religious practice has generally improved. Most of the population

is Roman Catholic. In June 2008, the government released Bienvenido Samba Momesori, a Protestant pastor who had been detained since 2003 for political reasons, although he was never tried. The government does not restrict academic freedom, but self-censorship among faculty is common.

Freedoms of assembly and association are severely restricted, and official authorization for political gatherings is mandatory. There are no effective human rights organizations in the country, and the few international nongovernmental organizations (NGOs) are prohibited from promoting or defending human rights. The constitution provides for the right to organize unions, but there are many legal barriers to collective bargaining. While it has ratified key International Labor Organization conventions, the government has refused to register the Equatorial Guinea Trade Union, whose members operate in secret. The country's only legal labor union, the Small Fanners' Syndicate (OSPA), received legal recognition in 2000. In March 2008, protests by Chinese construction workers over wages led to clashes with security forces and the death of two workers. The striking workers were subsequently deported and replaced by new Chinese workers.

The judiciary is not independent, and security forces generally act with impunity. Civil cases rarely go to trial, and military tribunals handle national security cases. In March 2008, a military trial began for more than 100 people, including security personnel, who were accused of looting the property of Cameroonian residents following a bout of crime allegedly perpetuated by foreigners in December 2007. Prison conditions, especially in the notorious Black Beach prison, are extremely harsh. The authorities have been accused of widespread human rights abuses, including torture, detention of political opponents, and extrajudicial killings. The UN Human Rights Council's Working Group on Arbitrary Detention cited the country in a 2007 report for holding detainees in secret, denying them access to lawyers, and jailing them for long periods without charge. In 2008, a mission by the special rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment was rescheduled for November after the government canceled a February visit. The special rapporteur issued a statement following his visit, noting systematic torture and appalling conditions for detainees.

Obiang's Mongomo clan, part of the majority Fang ethnic group, has monopolized political and economic power to the exclusion of other groups. Differences between the Fang and the Bubi are a major source of political tension that has often erupted into violence. It is thought that the Protestant pastor released from detention in June 2008 was detained in part because of his Bubi ethnicity. Fang vigilante groups have been allowed to abuse Bubi citizens with impunity.

All citizens are required to obtain exit visas to travel abroad, and some members of opposition parties have been denied such visas. Those who do travel are sometimes subjected to interrogation on their return.

Constitutional and legal guarantees of equality for women are largely ignored, and violence against women is reportedly widespread. Traditional practices, including primogeniture and polygamy, discriminate against women. Abortion is permitted to preserve the health of the mother, but only with spousal or parental authorization.



## Eritrea

Population: 5,000,000

Capital: Asmara

Political Rights: 7

Civil Liberties: 6

Status: Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,SPF	7,5NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF

### Overview:

The government of Eritrea continued its long-standing suppression of democratic and human rights in 2008, and a group of independent journalists imprisoned in 2001 remained behind bars. The country also maintained its aggressive foreign policy in the region, initiating border-related clashes with Djiboutian forces in June.

Britain ended Italian colonial rule in Eritrea during World War II, and the country was formally incorporated into Ethiopia in 1952. Its independence struggle began in 1962 as a nationalist and Marxist guerrilla war against the Ethiopian government of Emperor Haile Selassie. The seizure of power in Ethiopia by a Marxist junta in 1974 removed the ideological basis of the conflict, and by the time Eritrea finally defeated Ethiopia's northern armies in 1991, the Eritrean People's Liberation Front (EPLF) had discarded Marxism. Internationally recognized independence was achieved in May 1993 after a referendum supervised by the United Nations produced a landslide vote for statehood.

War with Ethiopia broke out again in 1998. In May 2000, an Ethiopian offensive made significant territorial gains. The two sides signed a truce in June 2000, and a peace treaty was signed that December. The agreement called for a UN-led buffer force to be installed along the Eritrean side of the contested border and stipulated that further negotiations should determine the final boundary line. The war had dominated the country's political and economic agenda, reflecting the government's habitual use of real or perceived national security threats to generate popular support and political unity.

In May 2001, 15 senior ruling-party members, known as the Group of 15, publicly criticized President Isaias Afwerki and called for "the rule of law and for justice, through peaceful and legal ways and means." Eleven members of the dissident group were arrested for treason in September 2001 and remain incarcerated. The small independent media sector was also shut down, and 18 journalists were imprisoned.

The government in 2005 clamped down on nongovernmental organizations (NGOs) by withdrawing tax exemptions, increasing registration requirements, and ordering the U.S. Agency for International Development (USAID) to end its operations in the country. Separately, tensions with Ethiopia remained high, as Eritrea

objected to the inconclusive results of international mediation on its long-standing border dispute. The government claimed that the Ethiopians were not respecting the 2000 agreement, and the authorities banned UN helicopter flights in Eritrean airspace, restricted UN ground patrols, and expelled some of the peacekeepers.

In 2006, reports emerged that hundreds of followers of various unregistered churches (mostly Protestant) were being detained, harassed, and abused. The government that year also expelled several development NGOs. Given evidence of Eritrea's support for Islamist rebels in Somalia, the U.S. government in 2007 considered placing Eritrea on its list of state sponsors of terrorism.

In 2008, the Eritrean leadership showed no sign of relaxing its iron grip on the country's political and social structures. This long-standing suppression of democratic and human rights included the continued imprisonment of the independent journalists arrested in 2001.

Also during the year, Eritrea maintained its aggressive foreign policy in the region, which has included tension with Yemen and involvement in Sudanese civil conflicts. In June, Eritrean forces attacked Djiboutian army units on the disputed border between the two countries. Separately that month, a rebel group claimed to have killed 12 Eritrean soldiers in the remote Afar region.

The UN Development Programme's 2007/2008 Human Development Index ranked Eritrea at 157 out of 177 countries measured. Per capita gross domestic product (GDP) was \$1,109. According to the 2008 CIA World Fact Book, Eritrea has the ninth-highest ratio of per capita military expenditure as a percentage of GDP.

**Political Rights and Civil Liberties:** Eritrea is not an electoral democracy. Created in February 1994 as a successor to the EPLF, the Popular Front for Democracy and Justice (PFDJ) maintains complete dominance over the country's political life. Instead of moving toward a democratic political system, the PFDJ has taken significant steps backward since the end of the war with Ethiopia. The 2001 crackdown on those calling for greater political pluralism and subsequent repressive steps clearly demonstrate the Eritrean government's authoritarian stance.

In 1994, a 50-member Constitutional Commission was established. A new constitution was adopted in 1997, authorizing "conditional" political pluralism with provisions for a multiparty system. The constitution calls for the 150-seat legislature, the National Assembly, to elect the president from among its members by a majority vote. However, national elections have been postponed indefinitely. Regulations governing political parties have never been enacted, and independent political parties do not exist. In 2004, regional assembly elections were conducted, but they were carefully orchestrated by the PFDJ and offered no real choice.

Eritrea long maintained a reputation for a relatively low level of corruption. In recent years, however, graft appears to have increased somewhat. Eritrea was ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. Citing World Bank information, the Heritage Foundation Index of Economic Freedom reports petty corruption within the executive branch, based largely on family connections.

Government control over all broadcasting outlets and the repression of independent print publications have eliminated the vehicles for dissemination of oppos-

ing or alternative views. In its September 2001 crackdown, the government banned all privately owned newspapers while claiming that a parliamentary committee would examine conditions under which they would be permitted to reopen. Journalists arrested in 2001 remain imprisoned, and other journalists have subsequently been arrested. The Committee to Protect Journalists lists Eritrea as one of the five worst jailers of journalists in the world. Internet use remains limited but growing, with an estimated 100,000 users in 2007.

The government places significant limitations on the exercise of religion. It officially recognizes only four faiths: Islam, Orthodox Christianity, Roman Catholicism, and Lutheranism as practiced by the Evangelical Church of Eritrea. Persecution of minority Christian sects has escalated in recent years, particularly for Jehovah's Witnesses, who were stripped of their basic civil rights in 1994, and evangelical and Pentecostal churches. Amnesty International cites Abune Antonios, patriarch of the Eritrean Orthodox Church, as a prisoner of conscience; he has been under house arrest since January 2006. According to Amnesty, members of other churches have been jailed and tortured or ill-treated to make them abandon their faith, and about 2,000 are currently imprisoned. Some Muslims have also been targeted. In 2008, the U.S. Department of State renewed its classification of Eritrea as a "country of concern" with regard to its restrictions on religious liberty. The U.S. Commission on Religious Freedom stated in 2008 that conditions for religious minorities had apparently worsened over the previous year, citing arbitrary detentions and hundreds of cases of abuse, some of which resulted in death.

Academic freedom is constrained. Secondary school students are required to comply with a highly unpopular policy of obligatory military service, and they are often stationed at bases far from their homes, such as the training camp in Sawa, in the far western part of the country, near the Ethiopian border. The conscription periods can be open-ended, and no conscientious-objector status is recognized.

Freedom of assembly does not exist. The government continues to maintain a hostile attitude toward civil society. Independent NGOs are not allowed, and the legitimate role of human rights defenders is not recognized. In 2005, Eritrea enacted legislation to regulate the operations of all NGOs, requiring them to pay taxes on imported materials, submit project reports every three months, renew their licenses annually, and meet government-established target levels of financial resources. International human rights NGOs are barred from the country, and the government expelled three remaining development NGOs in 2006.

The civil service, the military, the police, and other essential services have some restrictions on their freedom to form unions. In addition, groups of 20 or more persons seeking to form a union require special approval from the Ministry of Labor. The military conscription of men aged 18 to 40 has created a scarcity of skilled labor. A judiciary, which was formed by decree in 1993, has never issued rulings significantly at variance with government positions. Constitutional guarantees are often ignored in cases related to state security. The provision of speedy trials is limited by a lack of trained personnel, inadequate funding, and poor infrastructure.

According to Amnesty International and Human Rights Watch, torture, arbitrary detentions, and political arrests are common. Religious persecution and ill-treatment of those trying to avoid military service are increasing, and torture is systematically practiced by the army. Prison conditions are poor, and outside monitors

such as the International Committee of the Red Cross have been denied access to detainees.

The Kunama people, one of Eritrea's nine ethnic groups, reportedly face severe discrimination. Historically, the Kunama, who reside primarily in the west, have resisted attempts to integrate them into the national society.

Official government policy is supportive of free enterprise, and citizens generally have the freedom to choose their employment, establish private businesses, and operate them without government harassment. However, critics have alleged that the system of military conscription constitutes forced labor. In addition, according to the 2009 Heritage Foundation Index of Economic Indicators, "the overall freedom to start, operate, and close a business is seriously limited by Eritrea's burdensome regulatory environment."

Women played important roles in the guerrilla movement prior to independence, and the government has worked to improve the status of women. In an effort to encourage broader participation by women in politics, the PFDJ in 1997 named 3 women to its executive council and 12 to its central committee. Women participated in the Constitutional Commission of the 1990s, filling almost half of the positions on the 50-member panel, and they continue to hold some senior government positions. Equal educational opportunity, equal pay for equal work, and penalties for domestic violence have been codified. However, traditional societal discrimination against women persists in the largely rural and agricultural country.

## Estonia

**Population:** 1,300,000

**Capital:** Tallinn

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

As Estonia's economy worsened during 2008, members of the three-party coalition government publicly disagreed on the issues of spending cuts and unemployment compensation. Meanwhile, relations with Russia remained tense, and a long-awaited Estonian-Russian border treaty had yet to be ratified at year's end.

Estonia gained independence from Russia in 1918, but it was captured—along with Latvia and Lithuania—by Soviet troops during World War II. Under Soviet rule, approximately one-tenth of Estonia's population was deported, executed, or forced to flee abroad. Subsequent Russian immigration reduced ethnic Estonians to

just over 61 percent of the population by 1989. Estonia regained its independence with the disintegration of the Soviet Union in 1991. It adopted a new constitution in July 1992 and held its first legislative elections in September of that year. Russian troops withdrew from Estonia in 1994.

After the 2003 legislative elections, the newly formed right-leaning Res Publica party outmaneuvered the left-wing Center Party to form a centrist coalition government with the Reform Party and the People's Union. In March 2005, Parliament passed a vote of no confidence against Justice Minister Ken-Marti Vaher, prompting Res Publica leader Juhan Parts to step down as prime minister. Vaher had announced plans to implement a quota system for the number of corruption cases to be prosecuted, a move that many regarded as reminiscent of Soviet-era practices. The Reform Party's Andrus Ansip became prime minister in a new cabinet that took office in April. Former foreign minister Toomas Hendrik Iivane defeated incumbent Arnold Ruutel in the country's 2006 presidential vote.

In the March 2007 parliamentary elections, the Reform Party captured 31 seats, followed closely by the Center Party with 29 seats. The remaining seats were won by the Union of Pro Patria and Res Publica (19 seats), the Social Democratic Party (10 seats), the Greens (6 seats), and the People's Union (6 seats). The Reform Party, the Union of Pro Patria and Res Publica, and the Social Democratic Party formed a left-right coalition, and Ansip returned as prime minister.

The new government faced a major crisis in April, when plans to relocate a Soviet World War II memorial and exhume the remains of Soviet soldiers buried at the site touched off protests, mostly by young ethnic Russians. The demonstrations erupted into two days of violence, as police responded with tear gas and water cannons to widespread looting and vandalism. About 150 people were injured, 1 protester died, and some 1,200 people were detained by police, though most were held only briefly. The monument was moved from its original place in the center of Tallinn to a nearby military cemetery.

Meanwhile, protesters from the pro-Kremlin youth group Nashi surrounded the Estonian embassy in Moscow for days, harassing the country's diplomats. Various Estonian government and commercial websites suffered a series of large-scale cyberattacks for several weeks after the street violence in Estonia, forcing them to shut down temporarily. The initial attacks were reportedly traced to internet addresses registered in Russia, including some in the presidential administration, although direct links to the Russian government could not be proven.

In 2008, the country's economic slowdown revealed strains in the ruling coalition, whose three parties openly disagreed over proposed spending cuts and reductions in the personal income tax to produce a balanced budget for 2009. The coalition members also clashed in January over proposed reforms that would reduce unemployment compensation and job security to increase economic competitiveness; a compromise solution was reached in April.

Russia's invasion of Georgia in August raised concerns in Estonia that the Kremlin would attempt to extend its influence over other post-Soviet states. President Iivane and the leaders of Latvia, Lithuania, and Poland issued a joint declaration condemning Russia's actions, and Estonia's Parliament adopted a statement identifying Russia as the aggressor in the conflict. Russia and Estonia remained deadlocked throughout the year on ratification of a border treaty signed in 2005; the Russian

parliament had balked at the document after Estonia insisted on adding a preamble referring to the 1920 Tartu Peace Treaty, which ended a war between Estonia and the Soviet Union.

### **Political Rights and Civil Liberties:**

Estonia is an electoral democracy. Elections have been free and fair, and the 2007 polls were the world's first parliamentary elections to employ internet voting; about 30,000 people voted online. The 1992 constitution established a 101-seat, unicameral Parliament, or Riigikogu, whose members are elected for four-year terms. A prime minister serves as head of government, and a president with a five-year term fills the largely ceremonial role of head of state. After the first president was chosen by popular vote in 1992, presidential elections reverted to parliamentary ballot. The prime minister is chosen by the president and confirmed by Parliament. Only citizens may participate in national elections, though resident noncitizens may vote (but not run as candidates) in local elections. About 10 percent of Parliament members are ethnic minorities.

Political parties organize freely, though only citizens may be members. The country's two main right-wing parties, Pro Patria and Res Publica, merged in 2006 to become the Union of Pro Patria and Res Publica. Other major parties include the Center Party, the Reform Party, the Social Democratic Party, the Greens, and the People's Union.

Corruption is regarded as a relatively minor problem in Estonia, which was ranked 27 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. In late 2007, the security police announced a corruption probe into land-exchange deals involving well-known political and business figures; the investigations were ongoing at the end of 2008. Legal guarantees for public access to government information are respected in practice. Government decisions are almost instantly available on the internet, where Estonians may comment and exchange views.

The government respects freedom of the press. In addition to the public broadcaster, Estonian Television, there are a variety of commercial channels. Dozens of independent newspapers and radio stations offer diverse viewpoints. The wave of cyberattacks in 2007 temporarily disrupted access to the online versions of some of the country's newspapers. There are no government restrictions on access to the internet, and Estonia is among the leading countries in the world with regard to internet penetration.

Religious freedom is respected in law and in practice. A new synagogue—the only building in Estonia specifically designated for that purpose—opened in May 2007; the country's Jewish community numbers some 2,500. Estonia does not restrict academic freedom. In 2008, the government continued to implement a program launched the previous year that calls for 60 percent Estonian-language instruction in the country's public Russian-language high schools by 2011.

The constitution guarantees freedoms of assembly and association, and the government upholds those rights in practice. Public gatherings may be prohibited to ensure public safety. Civil society is vibrant, and the government involves non-governmental organizations in the drafting of legislation. Although workers have the right to organize freely, strike, and bargain collectively, the Estonian Confederation of Trade Unions has reported antiunion discrimination in the private sector. Approximately 10 percent of the country's workers are union members.

The judiciary is independent and generally free from government interference. Laws prohibiting arbitrary arrest and detention and ensuring the right to a fair trial are largely observed, though lengthy pretrial detention remains a concern. There have been reports of police officers physically or verbally abusing suspects. During the April 2007 riots in Tallinn, some police allegedly used excessive force against demonstrators; while eight criminal cases were opened against officers, all of the charges were eventually dropped. The country's prison system continues to suffer from overcrowding and limited access to medical care, although the opening of a new prison in July 2008 reduced crowding.

Many ethnic Russians arrived in Estonia during the Soviet era and are now regarded as immigrants who must apply for citizenship through a process that requires knowledge of the Estonian language. The authorities have adopted policies to assist those seeking Estonian citizenship, including funding Estonian-language courses. The use of Estonian is mandatory in certain work environments, including among public sector employees, medical professionals, and service personnel. Some ethnic Russians allege that language requirements result in employment and salary discrimination. According to a 2008 Estonian university survey on the integration of Russian speakers, knowledge of the Estonian language among non-ethnic Estonians has improved, and income inequality has declined; however, infrequent inter-ethnic social contact and limited access to Russian-language programs in the Estonian media remain obstacles to improved integration. The granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol is legally protected and provided in practice.

Women enjoy the same legal rights as men, but they do not always receive equal pay for equal work. About one-fifth of the members of Parliament are women. Violence against women, including domestic violence, remains a problem. Estonia is a source, transit point, and destination for women trafficked for the purpose of prostitution. In 2008, 55 women received assistance, including psychological and legal counseling, through a Nordic-Baltic pilot project for trafficking victims.

# Ethiopia

**Population:** 79,100,000

**Capital:** Addis Ababa

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



## Ten-Year Ratings Timeline For Year Under Review

### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF

### Overview:

Citing harassment by the ruling party, the opposition decided to boycott local elections in 2008. Also during the year, revised draft and actual laws regulating the press and civil society provided a reinforced legal basis for government oversight and control. The political climate was further polarized by ongoing tension in several restive provinces, relations with Eritrea, and Ethiopia's military engagement in Somalia. A drought and rising food prices proved to be complicating factors.

One of the few African countries to avoid European colonization during the 19th and early 20th centuries, Ethiopia ended a long tradition of monarchy in 1974, when Emperor Haile Selassie was overthrown in a Marxist military coup. Colonel Mengistu Haile Mariam subsequently established a brutal dictatorship that lasted more than 15 years. He was overthrown in 1991 by a coalition of guerrilla groups led by forces from the northern Tigray region. The main rebel group, the Ethiopian People's Revolutionary Democratic Front (EPRDF), formed a new regime, and EPRDF leader Meles Zenawi became interim president.

During the ensuing transitional period, the EPRDF government fostered the emergence of democratic institutions, and a new constitution took effect in 1995. The EPRDF dominated that year's elections, which were boycotted by most of the opposition, and Meles became prime minister. He began a second five-year term after the May 2000 elections, which the EPRDF won in a landslide victory over the weak and divided opposition. Opposition parties and some observers criticized the government's conduct of the vote.

A dispute over the border with neighboring Eritrea, which had gained formal independence from Ethiopia in 1993 after a long guerrilla conflict, resulted in open warfare from 1998 until 2000. The Eritrea-Ethiopia Boundary Commission (EEBC) was established in the wake of the bloody fighting to draw a new border. It announced its decision in April 2002, laying out a boundary that assigned the town of Badme to Eritrea. The commission's judgments were supposed to be binding on both sides, but Ethiopia rejected the EEBC decision.

The May 2005 elections for the powerful lower house of Parliament resulted in a major increase in opposition representation. The EPRDF and its allies won 327



seats, while the two main opposition parties took 161 seats, up from 12 in the previous Parliament. The governing coalition also won elections for eight of nine regional parliaments. Notwithstanding their significant gains, opposition parties argued that interference and fraud in the electoral process had deprived them of outright victory. Street demonstrations led to violence, excessive use of force by the authorities, and widespread arrests. At least 193 people were killed, and more than 4,000 were arrested, including leading opposition figures who were later charged with capital offenses. Under considerable pressure from human rights groups, the government ultimately pardoned and released those defendants in 2007.

At the end of 2006, Ethiopia sent troops into Somalia, routing Islamist groups that had taken control of Mogadishu and the southern parts of the country. The offensive enabled Somalia's fragile Transitional Federal Government to establish a presence in Mogadishu, but clashes between Ethiopian forces and Somali militias continued through 2007 and 2008. The prospect of renewed violence in the border dispute with Eritrea presented another area of concern. In November 2007, the EEBC demarcated the boundary by map coordinates in a ruling accepted by Eritrea but rejected by Ethiopia. The UN Security Council voted to end its peacekeeping mission in July 2008. Meanwhile, the Ethiopian military also sought to quell ongoing unrest in the eastern Ogaden region.

The government maintained its tight control over the country's officially pluralist political institutions in 2008. Citing harassment by the ruling party, the opposition decided to boycott local elections during the year. Revised draft and actual laws regulating the press and civil society created the potential for expanded government interference, and there were violence and repression in several provinces with a significant opposition presence. These problems were exacerbated by rising food prices and a drought that threatened as many as eight million people, according to the United Nations.

### **Political Rights and Civil Liberties:**

Ethiopia is not an electoral democracy. However, the presence of a significant elected opposition at the national level since 2005 does mark a possible step forward in the development of the country's democratic political culture. Prior national elections had resulted in allegations from opposition parties and civil society groups of major irregularities, including unequal access to media, lack of transparent procedures, a flawed election law, and a partisan National Electoral Board.

The opposition claimed fraud again in 2005, and European Union and other observers stated that the elections did not meet international standards, citing problems including faulty voter-registration lists and significant administrative irregularities. However, observers led by former U.S. president Jimmy Carter concluded that despite its serious problems, the balloting essentially represented the will of the Ethiopian people.

The country's legislature is bicameral, consisting of a 108-seat upper house, the House of Federation, and a 547-seat lower house, the House of People's Representatives. The lower house is filled through popular elections, while the upper chamber is selected by the state legislatures. Lawmakers in both houses serve five-year terms. Executive power is vested in a prime minister, who is chosen by the House of People's Representatives. The 1995 constitution has a number of unique features,

including a federal structure that grants certain powers and the right of secession to ethnically based states. However, in 2003, the central government acquired additional powers to intervene in states' affairs when public security is deemed to be at risk.

More than 60 legally recognized political parties are active in Ethiopia, but the political scene continues to be dominated by the EPRDF. Citing intimidation and arrests of its candidates, opposition parties boycotted local elections in April 2008, which predictably resulted in a large margin of victory for government supporters. Opposition parties have long argued that their ability to function is seriously impeded by government harassment, although observers also note that some opposition parties have at times used rhetoric that could be interpreted as advocating violence or otherwise failed to comport themselves in a manner consistent with a democratic political culture.

The government has taken a number of steps to limit corruption, but it has also been accused of participating in corrupt practices. In 2007, former prime minister Tamrat Layne and former defense minister Seye Abreha were convicted on corruption charges. Ethiopia was ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The news media are dominated by state-owned broadcasters and government-oriented newspapers. Opposition and civic organizations have criticized slanted news coverage. The Committee to Protect Journalists in 2007 cited the Ethiopian government for backtracking on press freedom issues. It noted increased imprisonment of journalists, with many reporters going into exile by choice or coercion. This trend continued in 2008, as the government forced two more magazines out of circulation using laws against the disturbance of public order. Also during the year, Parliament adopted a new media law after years of debate. The measure barred government censorship of private media and the detention of journalists, but it allowed prosecutors to seize material before publication in the name of national security. Furthermore, it gave the government broader powers to pursue defamation cases against the media.

A number of privately owned newspapers exist, but they struggle to remain financially viable and face intermittent government harassment. In 2006, licenses were awarded to two private FM stations in the capital. Internet usage is confined mainly to major urban areas.

Constitutionally mandated religious freedom is generally respected, although religious tensions have risen in recent years. The Ethiopian Orthodox Church is influential, particularly in the north. In the south, there is a large Muslim community, made up mainly of Somalis, Oromo, and Afari.

Academic freedom is restricted. In recent years, student strikes to protest police brutality and various government policies have led to scores of deaths and injuries as well as hundreds of arrests. Student grievances include perceived government repression of the Oromo ethnic group. Many students were killed, injured, or arrested during protests against the May 2005 election results.

Freedoms of assembly and association are limited. A number of nongovernmental organizations (NGOs) are active, but they are generally reluctant to discuss issues and advocate policies that may bring them into conflict with the government. The government closely regulates NGO activities and has introduced draft legislation that it claims would provide heightened financial transparency among NGOs and

enhance their accountability to stakeholders. This legislation was under final consideration by Parliament at the end of 2008. Both Human Rights Watch and Amnesty International have severely criticized the proposed law, arguing that it would codify provisions designed to control and monitor civil society groups while punishing those that do not have the government's favor.

According to the Workers' Group of the International Labor Organization (ILO), there are severe restrictions on the rights of trade unions in Ethiopia. The labor laws authorize only one trade union in companies employing more than 20 workers. Government workers in "essential industries," a term that is broadly defined, are not allowed to strike. The Confederation of Ethiopian Unions is under government control. The law governing trade unions states that a trade organization may not act in an overtly political manner, and some union leaders have been removed from their elected offices or forced to leave the country. All unions must be registered, and the government retains the authority to cancel union registration.

The judiciary is officially independent, although there have been few significant examples of decisions at variance with government policy. The efficacy of police, judicial, and administrative systems at the local level is highly uneven. Some progress has been made in reducing a significant backlog of court cases. Human Rights Watch in 2006 reported that the government used intimidation, arbitrary detentions, and excessive force in rural areas in the wake of the 2005 election-related protests.

The government has tended to favor Tigrayan ethnic interests in economic and political matters. Politics within the EPRDF have been dominated by the Tigrayan People's Democratic Front. Discrimination against and repression of other groups, especially the Oromo, have been widespread.

The government recently established a women's affairs ministry, and Parliament has passed legislation designed to protect women's rights in a number of areas. In practice, however, women's rights are routinely violated. Women have traditionally had few land or property rights, especially in rural areas, where there is little opportunity for female employment beyond agricultural labor. Violence against women and social discrimination are reportedly common. Societal norms and limited infrastructure prevent many women from seeking legal redress for their grievances. While illegal, the kidnapping of women and girls for marriage continues in parts of the country. General deficiencies in education exacerbate the problems of rural poverty and gender inequality. According to the NGO Save the Children, Ethiopia has one of the lowest rates of school enrollment in sub-Saharan Africa.

## ↓ Fiji

**Population:** 900,000  
**Capital:** Suva

**Political Rights:** 6  
**Civil Liberties:** 4  
**Status:** Partly Free



**Trend Arrow:** Fiji received a downward trend arrow due to the government's harassment of the media through intimidation tactics, including the deportation of two senior staff members at major newspapers.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3PF	6,3F	4,3PF	4,3PF	4,3PF	4,3PF	4,3PF	6,4PF	6,4PF	6,4PF

### Overview:

After repeated pledges to hold new elections in March 2009, Fiji's interim government in 2008 imposed new preconditions for elections and would not commit to a new election date. Also during the year, the interim government displayed greater intolerance of media criticism, such as forcibly deporting the publishers of two major newspapers, and suing the editor and publisher of a newspaper for publishing comments critical of the government.

Fiji, colonized by Britain in 1874, became an independent member of the Commonwealth in 1970. Intense ethnic rivalry between indigenous Fijians and Indo-Fijians is the main source of political and social tension. Indians were first brought to Fiji in the 19th century to work on sugar plantations, and Indo-Fijians currently make up a majority of the population and control a large share of the economy. Armed coups by indigenous factions in 1987 and 2000 overthrew governments led by Indo-Fijian parties.

In the aftermath of the 2000 coup, the military installed Laisenia Qarase, a banker and indigenous Fijian from the United Fiji Party (UFP), to lead an interim government. Qarase was elected prime minister in the 2001 elections, and won a second term in 2006. Although tensions between the UFP and the largely Indo-Fijian Labour Party never eased, the more destabilizing rift was that between Qarase and military chief Commodore Frank Bainimarama over the fate of the 2000 coup participants. Bainimarama wanted suspects prosecuted and jailed, but the government repeatedly reduced their sentences, paid salaries to convicted officials, and granted political appointments to other convicts. Bainimarama publicly demanded that Qarase resign after he proposed granting an amnesty that would clear the criminal records of those convicted and provide immunity to those not yet charged. Qarase refused to step down, and Bainimarama ousted him in a bloodless coup in December 2006, with a promise to clean up rampant government corruption.

Public attitudes toward the coup soured as civil liberties were curtailed and no timetable was set for a return to democratic rule. In January 2007, Bainimarama gave executive authority to President Josefa Iloilo, who in turn named Bainimarama as interim prime minister; Bainimarama also retained his position as the head of the military. The president granted immunity to Bainimarama and validated all decisions made since the coup.

The interim government undertook a number of reforms, requiring that all civil service appointments be made by the Public Service Commission and creating new investigation and adjudication bodies to tackle official corruption. Numerous senior officials were removed and arrested for official abuses and graft. Bainimarama also proposed replacing the race-based election rolls with a locality-based system and reviewing school-funding policies that favored indigenous Fijians. Former Fijian citizens would be permitted to conduct business in Fiji under a new residency status.

Over the course of 2007, however, the government was denounced for intimidating its critics through arrests and travel bans. The authorities were also accused of abusing 17 people suspected of plotting to assassinate Bainimarama, and the interim government alienated public servants by imposing a 5 percent pay cut that did not apply to cabinet ministers.

Despite pressure to hold elections in March 2009, the interim government continued to refuse to commit to a date and made electoral reforms and the approval of a new People's Charter preconditions for new elections. The charter would be drafted by a 45-member National Council for Building a Better Fiji, with representatives from government, provincial councils, and civil society. Meanwhile, Bainimarama's attempts to reform and take control of the Grand Council of Chiefs, Fiji's body of traditional leaders, drew sharp opposition from the chiefs themselves, who filed a lawsuit over the matter in April 2008 and later rejected the idea of a People's Charter. In November, the interim government threw out several Grand Council members due to their refusal to engage in discussions.

Also during 2008, the interim government displayed greater intolerance of media criticism. In February 2008, the publisher of the *Fiji Sun*, an Australian citizen, was forcibly deported after his newspaper broke a story on alleged tax evasion by the finance minister. The Australian publisher of the *Fiji Times* was similarly deported in May. In both cases, High Court orders were issued to block the expulsions, but the authorities said they failed to receive the orders in time. Separately, five employees of the Fiji Broadcasting Corporation were forced to appear before senior military officers after the tax evasion claims were aired in March.

Bainimarama and Qarase continued to pursue rival lawsuits during 2008, with the former seeking to nullify the 2006 elections based on alleged vote rigging by the UFP, and the latter calling for the interim government to be declared illegal. In October, the Suva High Court dismissed Qarase's suit against the interim regime and the state, ruling that President Iloilo's appointment of the interim government was valid. A month later, Qarase filed a new suit to stop work on the People's Charter, but the court's decision was still pending at year's end.

Investment and tourism were seriously affected by the 2006 coup. The interim government announced in 2008 that public sector workers would face another 10 percent pay cut, on top of the 5 percent cut imposed in 2007, to help reduce the country's \$43 million budget deficit.

## Political Rights and Civil Liberties:

Fiji is not an electoral democracy, due primarily to the latest military coup. Under the constitution, Parliament consists of the 32-seat Senate and the 71-seat House of Representatives. The president appoints 14 senators on the advice of the Great Council of Chiefs, 9 on the advice of the prime minister, 8 on the advice of the opposition leader, and 1 on the advice of the council representing outlying Rotuma Island. House members are elected for five-year terms, with 25 seats open to all ethnicities, 23 reserved for indigenous Fijians, 19 for Indo-Fijians, 3 for other ethnic groups (mainly citizens of European and East Asian extraction), and 1 for Rotuma voters. The president is appointed to a five-year term by the Great Council of Chiefs in consultation with the prime minister, who is in turn appointed by the president. The prime minister is generally the leader of the majority party or coalition in Parliament. The two main political parties are largely based on ethnicity: indigenous Fijians support the UFP, and Indo-Fijians support the Labour Party.

Official corruption and abuses are widespread. Repeated government reform pledges have not produced significant results, and some corruption charges may have been politically motivated. Fiji was not rated in Transparency International's 2008 Corruption Perceptions Index.

The government has considerable legal authority to restrict the media. The Television Act allows the government to control content, and the Press Correction Act authorizes the arrest of anyone who publishes "malicious" material. Nevertheless, Fiji's vibrant media persist in the face of lawsuits, arrests, and intimidation by the authorities. A 2007 court ruling found that media organizations can publish information from any government or statutory body regardless of how it was obtained. Thus, government bodies can bar publication only if they can prove that it is not in the public interest. There are a number of privately owned newspapers, and the state-owned Fiji Broadcasting Corporation operates radio outlets that compete with private stations. The government fully deregulated the telecommunications industry in January 2008, and a new free-to-air television station began broadcasting in May, adding to the existing private stations Fiji TV and Pacific Broadcasting Services.

There were several serious setbacks to media freedom during 2008, including the sudden deportations of two newspaper publishers in February and May. Additionally, in July, the interim government endorsed the establishment of a tribunal with the authority to impose fines on media companies, as well as a proposal to consolidate oversight of the media under a single new law, a draft of which was completed in November. By year's end, the draft law had still not been formally submitted to Parliament for review. Also in November, the interim government sued the editor and publisher of *Fiji Times* for contempt for publishing a letter to the editor critical of the High Court's ruling on Qarase's suit against the interim government. Internet access is expanding but remains limited by cost and connectivity constraints outside the capital.

The constitution provides for freedom of religion. Indigenous Fijians are Christians, and most Indo-Fijians are Hindus. The number of attacks on Hindu and Muslim places of worship has increased in recent years. In 2008, three Hindu temples were vandalized, and one was destroyed in a fire. The current leader of the traditionally influential Methodist Church has called for a more restrained role for the church in politics. Academic freedom is generally respected, but the education system suffers from a lack of resources and increasing political intervention.

Freedoms of assembly and association are guaranteed by the constitution, but organizers must obtain government permission for gatherings. Workers can organize, and several trade unions are active.

The judiciary is independent, and trials are generally free and fair, but a lack of resources and trained professionals has created a severe backlog for court hearings. Prisons are highly overcrowded, with poor sanitary and living conditions. In 2008, the interim government exacerbated public distrust by proposing to revive the National Security Council and the Fiji Intelligence Service to fight terrorism. Critics expressed fears that such moves would give the interim government greater powers to suppress the opposition. Separately, international sponsors and members of the Pacific Crime Center, a regional law enforcement training entity, decided in June 2008 to relocate the center to Samoa given Fiji's current political tensions and lack of democratic rule.

Race-based discrimination is pervasive, and indigenous Fijians receive preferential treatment in education, housing, land acquisition, and other areas; some jobs are open only to them. Discrimination and political and economic troubles have caused more than 120,000 Indo-Fijians to leave Fiji since the late 1980s. Part of the resulting void has been filled by migrants from China, who now make up about 1 percent of the population and control 5 percent of the economy. Their growing economic strength has made them new targets of indigenous Fijian resentment and attacks.

Discrimination and violence against women are widespread. The number of rape, child abuse, and incest cases continues to rise. Women's groups claim that many offenders use traditional reconciliation mechanisms and bribery to avoid punishment. Women are not well represented in government and leadership positions and do not receive equal pay. The government says legal protections against discrimination do not include homosexuality. In its 2008 Trafficking in Persons Report, the U.S. State Department downgraded Fiji to Tier 3, the poorest rating.

## Finland

**Population:** 5,300,000

**Capital:** Helsinki

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

A campaign-funding scandal and revelations about the foreign minister's improper contacts with an exotic dancer stirred Finnish politics in 2008. Also during the year, the

**authorities strictly enforced hate-speech laws in a number of cases, raising concerns about freedom of expression.**

After centuries of Swedish and then Russian rule, Finland gained independence in 1917. The country is traditionally neutral, but its army has enjoyed broad popular support since it fended off a Soviet invasion during World War II. Finland joined the European Union (EU) in 1995 and is the only Scandinavian country to have adopted the euro currency. In the 2000 presidential election, Tarja Halonen of the Social Democratic Party (SDP) was chosen as the country's first female president. She defeated six other candidates—including four women—from across the political spectrum.

Halonen won a second term as president in 2006, defeating the candidate of the opposition National Coalition Party. However, the 2007 parliamentary elections represented a victory for the center-right National Coalition. Although the ruling Center Party held onto its plurality by 1 seat, capturing 23.1 percent of the vote, the National Coalition Party gained 10 seats, winning 22.3 percent of the vote. Meanwhile, the left-leaning parties received record-low levels of support. Acknowledging the shift to the right, Prime Minister Matti Vanhanen formed a four-party coalition consisting of his Center Party, the National Coalition, the Greens, and the Swedish People's Party, leaving the SDP in opposition for the first time since 1995.

In the new cabinet, 12 out of 20 ministers were women, the highest proportion in the world. In addition, 84 women were voted in as members of Parliament, capturing 42 percent of the seats. Only Rwanda and Sweden had greater female representation in their legislatures.

In June 2008, Center Party parliamentary caucus leader Timo Kalli admitted on a talk show that he had knowingly broken the law by failing to reveal the sources of 2007 campaign donations. A series of other politicians, including state ministers, subsequently admitted doing the same. The law required politicians to reveal the sources of campaign donations but offered no penalty for violations, drawing criticism from anticorruption groups. In a separate scandal, Foreign Minister Ilkka Kanerva was replaced in April after Finnish newspapers in March revealed text messages he had sent to an exotic dancer. He was denounced in part for misusing his position and his official telephone in this case and in other suspected incidents of a similar nature. Finland ratified the EU's Lisbon Treaty in July 2008.

**Political Rights and Civil Liberties:**

Finland is an electoral democracy. The prime minister has responsibility for running the government. The president, whose role is mainly ceremonial, is directly elected for a six-year term. The president appoints the prime minister and deputy prime minister from the majority party or coalition after elections. The selection must be approved by Parliament.

Representatives in the 200-seat unicameral Parliament, or Eduskunta, are elected to four-year terms. The Aland Islands—an autonomous region located off the southwestern coast whose inhabitants speak Swedish—have their own 29-seat parliament as well as a seat in the national legislature. The indigenous Saami of northern Finland also have their own parliament.

Finland's sterling reputation on corruption issues was tainted somewhat in 2008



after a series of lawmakers admitted that they had violated the law by failing to disclose the source of campaign funds. The law in question was faulted for lacking any penalty for violations, and the government was drafting new campaign finance legislation at year's end. Also in 2008, Foreign Minister Ilkka Kanerva was forced to resign after being accused of misusing official resources by sending multiple text messages to an exotic dancer, among other suspected abuses. Finland was ranked 5 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Finnish law provides for freedom of speech, which is also respected in practice. Finland has a large variety of newspapers and magazines, grants every citizen the right to publish printed material, and protects the right to reply to public criticism. Newspapers are privately owned but publicly subsidized, and many are controlled by or support a particular political party. In May 2008, right-wing blogger Seppo Lehto was sentenced to an unprecedented two years and four months in prison for gross defamation and inciting ethnic and religious hatred under Finland's hate-speech laws. Lehto had stirred controversy when he posted a video of himself on YouTube drawing an image of the prophet Muhammad as a pig. In July, authorities proposed legislation that would hold bloggers responsible for hate speech posted to their sites by others as comments. The government said it was merely applying editorial responsibility to the internet in the same way it was applied to newspapers. However, critics raised concerns that popular blogs could be forced to ban comments altogether rather than screen the high volume of posted remarks for potential hate-speech violations. In a separate hate-speech case in August, police raided two right-wing music dealerships for allegedly distributing material containing racial and religious slander.

Finns enjoy freedom of religion. The Evangelical Lutheran Church (ELC) and the Orthodox Church are both state churches and receive public money from income taxes, but citizens may exempt themselves from contributing to those funds. Under legislation passed in 2007, it became possible in 2008 for religious communities other than the state churches to receive state funds. According to the U.S. State Department, communities with 200 members or more can receive a statutory subsidy of over \$5 per member. The government officially recognizes some 55 religious groups. Religious education is part of the curriculum in all secondary public schools, but students may opt out of such classes in favor of more general instruction in ethics. The government respects academic freedom, and privacy rights are also protected.

Freedoms of association and assembly are upheld in law and in practice. However, in September 2008, 27 people were arrested at a 500-person rally in favor of graffiti rights. The demonstrators were arrested for throwing bottles at police. Workers have the right to organize, bargain collectively, and strike. Approximately 80 percent of workers belong to trade unions.

The constitution provides for an independent judiciary, which consists of the Supreme Court, the supreme administrative court, and the lower courts. The president appoints Supreme Court judges, who in turn appoint the lower-court judges. The Ministry of the Interior controls police and Frontier Guard forces. Ethnic minorities and asylum seekers report occasional police discrimination.

The criminal code covers ethnic agitation and penalizes anyone who threatens a racial, national, ethnic, or religious group. Since 1991, the indigenous Saami, who

make up less than 1 percent of the population, have been heard in the Eduskunta on relevant matters. The constitution guarantees the Saami cultural autonomy and the right to pursue their traditional livelihoods, which include fishing and reindeer herding. Their language and culture are also protected through public financial support. However, representatives of the community have complained that they cannot exercise their rights in practice and that they do not have the right to self-determination with respect to land use. While Roma (Gypsies) also make up a very small percentage of the population, they are more significantly disadvantaged and marginalized.

In May 2004, a new Aliens Act streamlined the procedures for asylum and immigration applications, as well as for work and residency permits. The new law also allowed for the granting of residency permits for individual humane reasons. Finland is the only major European country that has not produced a right-wing anti-immigrant political party. The state provides aid for skill recognition in the labor market and assists with language acquisition for immigrants.

Women enjoy equal rights in Finland. In 1906, the country became the first in Europe to grant women the vote and the first in the world to allow women to become electoral candidates. In the current Parliament, 42 percent of the delegates are women, as are 12 of the 20 government ministers. However, women earn only about 80 percent as much as men of the same age, education, and profession, despite a law stipulating equal pay for equal work. Women are generally employed in lower-paid occupations due to a deeply entrenched idea of "men's jobs" and "women's jobs." Domestic violence is a problem in Finland, though in 2007 police received special training to identify potential cases. In October 2008, newly appointed editor in chief Johanna Korhonen was dismissed from the newspaper *Lapin Kansa* for what she claimed was the revelation that her spouse is a woman. The paper maintained that the firing was due to the spouse's local political involvement, though she had apparently cut ties with her party before Korhonen was appointed. The firing was questioned publicly by President Taija Halonen.

Finland is both a destination and a transit country for trafficked people. In 2004, new legislation came into force, making human trafficking a criminal offense. The government unveiled a National Action Plan to combat trafficking in 2005. It established a number of services for victims, including a national assistance coordinator, temporary residences, a witness-protection program, and legal and psychological counseling. In July 2006, the country's first antitrafficking prosecution was initiated after seven men and a woman were caught trafficking 15 Estonian women; all were eventually convicted. Also in 2006, the Alien Act was amended to allow trafficked victims to stay in the country and qualify for employment rights.

## France

**Population:** 62,000,000

**Capital:** Paris

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**President Nicolas Sarkozy's popularity reached a low ebb during his first year in office as reform efforts stalled. However, during the middle and later part of 2008, his government revived its prospects somewhat with vigorous diplomatic efforts abroad and a renewed reform agenda at home.**

After the French Revolution of 1789, republics alternated with monarchist regimes until the creation of the Third Republic in 1871. The Fourth Republic was established after World War II, but it eventually fell victim to domestic political turbulence and a series of colonial setbacks. In 1958, Charles de Gaulle, France's wartime leader, returned to create the strong presidential system of the Fifth Republic, which stands today.

Jacques Chirac, a right-leaning Gaullist, was first elected president in 1995. In the 2002 presidential election, it was expected that he and Lionel Jospin, the prime minister and head of the rival center-left Socialist Party (PS), would reach the second round of voting. However, Jean-Marie Le Pen, the head of the far-right, xenophobic National Front, stunned France and the world by receiving more votes than Jospin in the first round. Chirac defeated Le Pen overwhelmingly in the second round.

In early 2003, France joined Russia in blocking UN Security Council authorization for the U.S.-led invasion of Iraq, which nevertheless proceeded in March of that year. France's stance severely strained its relations with the United States, but bolstered Chirac's popularity at home. After the invasion, Chirac worked to strengthen the European Union (EU) as a counterweight to U.S. power.

A strong EU foreign policy was a key French goal in the drafting of a new constitution for the bloc. However, in 2005, French voters rejected the proposed constitution in a referendum. The "no" vote by France, a founding member of the EU, helped to suspend progress on the constitution for well over a year. Economic concerns had been central to the outcome. The charter kindled fears of immigration from poorer EU member states in Central and Eastern Europe, and voters also linked the constitution to the question of Turkish membership, which many opposed.

In late 2005, France was traumatized by ethnic upheaval. The accidental deaths of two teenagers of North African descent who were fleeing police touched off weeks

of violent riots. Most of the rioters were youths descended from immigrants from North and sub-Saharan Africa. Despite their French birth and citizenship, many reported discrimination and harassment by police in recent anticrime operations. The violence provoked a major discussion about the failure to fully integrate minorities into French society.

In the 2007 presidential election, the candidate of the ruling Union for a Popular Movement (UMP) was party leader Nicolas Sarkozy. He had suffered a drop in popularity during the riots of late 2005, having been the interior minister associated with the harsh policing tactics that helped inspire them. The PS nominated Segolene Royal, the first woman to be so chosen by one of the major political parties.

Sarkozy's law-and-order message, pro-American foreign-policy views, opposition to Turkish EU membership, and other positions made him a controversial candidate. Royal focused on increasing social protections and social spending. However, her foreign-policy gaffes fed a perception of her as amateurish. Sarkozy won the May election in the second round, with 53 percent of the vote, and the UMP renewed its majority in subsequent parliamentary elections. Sarkozy appointed a popular Socialist, Bernard Kouchner, as foreign minister, and a North African-descended Muslim woman, Rachida Dati, as justice minister.

The president's main domestic goal was to create jobs by liberalizing the economy. On foreign policy, the government took a tough line on Iran, with Kouchner proving conspicuously outspoken on the need to prevent that country from developing nuclear weapons. However, the government's popularity took a blow when violence reemerged in the suburbs in November. After two teenagers of African descent were killed in a collision with a police car, riots erupted. Unlike in 2005, the riots seemed better organized, and scores of police were wounded. These developments hurt Sarkozy's political position and credibility six months into his presidency.

At 12 months in office, in May 2008, the president's popularity was the lowest of any first-year president. (His divorce in late 2007, and subsequent marriage to a former supermodel, contributed to the problem.) However, he began to recover with a revived foreign and domestic agenda. His foreign achievements included the spearheading of a new Mediterranean Union (consisting of the EU countries and all others with a Mediterranean coastline), the deployment of new troops to Afghanistan and talk of France rejoining NATO's military command, a focus on migration during France's six-month presidency of the EU in the second half of the year, and a central role in the mediation and monitoring of a ceasefire between Russia and Georgia after their August conflict. Sarkozy's government also successfully pushed for economic liberalization (cutting bureaucracy for business creation, weakening the 35-hour workweek, and raising the retirement age, among other steps) without encountering the strikes that are a common part of French political life. But the world financial crisis that broke late in the year worried French voters, and Sarkozy criticized purely laissez-faire capitalism loudly and publicly. In November, the Socialist Party replaced Royal as leader with Martine Aubry, considered to represent the left wing of the party.

**Political Rights and Civil Liberties:** France is an electoral democracy. The president is elected for a five-year term, reduced from seven years as of the 2002 election. Members of the key house of Parliament, the 577-

seat National Assembly, are also elected to five-year terms; the upper house, the 321-seat Senate, is an indirectly elected body. The prime minister must be able to command a majority in Parliament. For most of the Fifth Republic's history, the president and prime minister have been of the same party, and the president has been the most powerful figure in the country. However, there have been several periods, such as 1997-2002, in which the president and prime minister belonged to rival parties. In such circumstances, the prime minister has the dominant role in domestic affairs, while the president largely guides foreign policy.

Parties organize and compete on a free and fair basis. In addition to the center-left PS and the center-right UMP, political parties with significant support range from the largely unreformed French Communist Party on the left to the anti-immigrant and anti-EU National Front on the right. France remains a relatively unitary state, with some administrative powers devolved to regions and smaller prefectures, but with key decisions made in Paris.

President Jacques Chirac used his immunity as head of state to avoid prosecution on corruption allegations stemming from his time as mayor of Paris, and since he left office, no charges have been brought, perhaps to avoid damaging respect for the presidency. His protege, Alain Juppe, was convicted in 2004 for allowing UMP party workers to be paid out of Paris's municipal treasury when he was the city's treasurer and Chirac was its mayor. The more recent Clearstream affair, in which Dominique de Villepin is accused of seeking to procure evidence smearing Nicolas Sarkozy in a corruption scandal while the two were rival ministers under Chirac, has also tarnished the political class. Members of the French elite, trained in a small number of prestigious schools, often move between politics and business, increasing opportunities for corruption. France was ranked 23 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The media operate freely and represent a wide range of political opinion. Though an 1881 law forbids "offending" various personages, including the president and foreign heads of state, the press remains lively and critical. However, journalists covering events involving the National Front or the Corsican separatist movement have been harassed, and come under legal pressure to reveal sources. Members of the press were also injured in the riots of 2005 and 2007, and they generally face difficulty covering unrest in the volatile suburbs. Journalists reporting on criminal cases have been pressured by courts to reveal their sources and for publishing material from confidential court documents. Internet access is unrestricted.

Freedom of religion is protected by the constitution, and strong antidefamation laws prohibit religiously motivated attacks. Not all branches of the Church of Scientology and the Jehovah's Witnesses are recognized as religious associations for tax purposes. A law that took effect in 2004 bans "ostentatious" religious symbols in schools. Widely believed to be aimed at the *hijab*, a headscarf worn by some Muslim women and girls, the controversial ban was supported by most voters. In 2008, a woman was denied citizenship for wearing the burqa, which covers the entire body, and thus failing to assimilate. The decision, upheld by France's top administrative tribunal, was also supported by the official organization of French Muslims, on the grounds that this form of Muslim women's dress was not mainstream even within Islam. Academic freedom is generally respected by French authorities.

In October 2006, the National Assembly passed legislation making it illegal to

deny that Turkey committed genocide against the Armenians during and after World War I. However, Chirac declined to sign the bill, which also has not passed the Senate. France does prohibit denial of the Nazi Holocaust.

Freedoms of assembly and association are respected. Civic organizations and nongovernmental organizations can operate freely. Trade unions are strong in France, although membership has declined over the past two decades.

France has a well-qualified judiciary, and the rule of law is firmly established. The legal system is based on Roman law, and French citizens are for the most part treated equally. However, France's antiterrorism campaign has included surveillance of mosques, and apparently unrelated government raids, such as those involving tax violations, have appeared to target places where Muslims in particular are found, like halal butcher shops. Terrorism suspects can be detained for up to four days without being charged. France is more willing than other European countries to deport radical Muslim clerics for speech that is considered incitement to extremism or terrorism. The police are frequently criticized for aggressiveness in random personal checks, which often target youths of North and sub-Saharan African descent. Such police checks have deepened resentment between minorities and the authorities. A Council of Europe delegation reported in 2004 that French prisons suffer from overcrowding and poor conditions, though no prisoner maltreatment was found.

The violence of 2005 and 2007 has fueled concerns about Arab and African immigration and the failure of integration policies in France. The rise of the National Front has tempted the government to tighten immigration and asylum rules, which are perceived to be abused by economic migrants. In 2005, the government supported the beginning of talks on Turkish accession to the EU, but there is strong popular opposition in France to Turkish membership and the influx of Muslim migrants it could bring. Rachida Dati was named justice minister in 2007, making her the first Muslim, and the first person of non-European descent, to become a minister in the French cabinet.

The dispute over Corsican autonomy continues. In 2001, the government devolved some legislative powers to the island and allowed teaching in the Corsican language in public schools. However, voters on the island, which hosts a sometimes violent separatist movement, rejected a government proposal for devolution of more authority to local Corsican institutions in June 2003. Low-level attacks against property and government targets are frequent, though people are rarely harmed.

Gender equality is protected in France, and a law governing the 2002 legislative elections threatened to reduce public funding for political parties whose candidate lists for the National Assembly consisted of more men than women. No party fully complied; women made up 37 percent of the list run by the Socialists, who had introduced the parity bill. In 2007, women won 107 of 577 seats in the legislature, or 18.5 percent (up from 16.9 percent in 2002). However, many women have reached the pinnacle of French politics, serving as justice, defense, finance, and agriculture ministers, as well as prime minister; Segolene Royal made history in 2007 by reaching the second round of the presidential election. Despite equal legal status and well-established social liberty, women earn about three-quarters of what men earn. The rights of homosexuals are protected in France, and a type of nonmarriage civil union, the PACS, or civil solidarity pact, is recognized.

## Gabon

**Population:** 1,400,000

**Capital:** Libreville

**Political Rights:** 6

**Civil Liberties:** 4

**Status:** Partly Free



**Trend Arrow:** Gabon received a downward trend arrow due to the authorities' crack-down on nongovernmental organizations and the harassment of civil society leaders.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,4PF	5,4PF	5,4PF	5,4PF	5,4PF	5,4PF	6,4PF	6,4PF	6,4PF	6,4PF

### Overview:

Two cabinet shuffles took place during 2008, following the appointment of a new government in December 2007. President Omar Bongo's Gabonese Democratic Party (PDG) won a landslide in the April 2008 local elections, and the ninth PDG party congress was held in September. Civil liberties in Gabon suffered setbacks on a number of fronts over the course of the year, as the authorities mounted a harsh response to criticism from nongovernmental organizations (NGOs).

Gabon gained independence from France in 1960. President Omar Bongo took power in 1967, and the country became a one-party state. In 1990, protests prompted by economic hardship led to multiparty legislative elections, but Bongo retained power in a rigged 1993 presidential vote.

The 1996 parliamentary elections were also flawed. Following opposition gains in local elections, the government transferred key electoral functions from the electoral commission to the Interior Ministry. Bongo won reelection in 1998 in a vote marked by serious irregularities.

Opposition boycotts and government interference helped assure victory for the ruling Gabonese Democratic Party (PDG) in the 2001 legislative elections. In the 2003 senatorial elections, municipal and regional officials elected 91 senators, all from the PDG, to six-year terms amid further irregularities. Opposition leaders and independent experts in 2005 accused the government of inflating the census figures to falsify the voter registry and qualify for increased aid.

The 2005 presidential election occurred over two days, with security forces voting on November 25 and the public on November 27. The opposition argued that the arrangement had increased opportunities for fraud. Though peaceful, the election was marred by inaccurate voter lists, the abuse of state resources, and falsified turnout figures. Official results granted Bongo victory, with Pierre Mamboundou of the Union for Gabonese People (UPG) and former cabinet minister Zacharie Myboto

placing second and third, respectively. Mamboundou challenged the results, and police forcibly dispersed protests by his supporters.

In 2006, the government reached an agreement with opposition parties to establish a permanent national electoral commission in time for the 2007 local elections, which were later postponed to 2008 due in part to delays in updating the voter rolls. Legislative elections were held in 2006, with the PDG and allied parties taking 97 of 120 National Assembly seats. The elections were judged credible, and an improvement over the flawed 2005 presidential contest.

In April 2008, local elections went ahead with low voter turnout. The PDG won 1,120 council seats out of a total of 1,990. Myboto's Union for Democracy and Development (UGDD) did well, winning 160 seats, while Mamboundou's UPG lost support. The following month, the councilors elected mayors. The PDG managed to win control of eight out of nine provincial capitals after allying with both propresidential and opposition parties. Senate elections are due in 2009.

In late 2007, Bongo appointed a new government. He carried out two further cabinet shuffles in February and October 2008, resulting in the addition of three new delegate ministers. The president's closest allies—including his son, the defense minister—retained key portfolios, and Jean Eyeghe Ndong remained prime minister. The PDG's ninth party congress took place in September 2008 and resulted in a new secretary-general, Faustin Boukoubi, the minister of agriculture, fishing, and forestry. The congress focused on party discipline and revived the party's political bureau.

Gabon relies in part on a small force of French soldiers to prevent domestic or external threats to the regime. In July 2008, Libreville international airport police discovered 27 assault rifles on an arriving international flight.

Four decades of corrupt, autocratic rule have made Bongo one of the world's richest men. Some revenues from oil production have reached the population and contributed to higher education standards, but reserves are dwindling, and the state depends on oil income for about 60 percent of its revenue. The need to diversify the economy helped motivate a structural adjustment program with the International Monetary Fund (IMF) in 2005. In 2008, the IMF concluded the program and noted that fiscal performance was weaker than anticipated. In February 2008, Gabon completed the early repayment of 86 percent of its debt to the Paris Club of international creditors. In May, the Belinga mining project, which was opposed by environmentalist groups, was set in motion after the China National Machinery and Equipment Import and Export Company (CMEC) signed a mining convention with the government.

In August 2008, Gabon and Equatorial Guinea announced their intention to refer their border dispute to the International Court of Justice (ICJ). The countries were vying for control of three small islands with potential oil resources in the Gulf of Guinea. In September 2008, the UN secretary-general appointed a special adviser for the dispute.

### **Political Rights and Civil Liberties:**

Gabon is not an electoral democracy. However, international observers reported that the December 2006 legislative elections were an improvement over past elections. The April 2008 local elections were generally peaceful, but low voter turnout indicated widespread public apathy with the political process; President Bongo has retained power



for over 40 years. The president is elected for seven-year terms, and a 2003 constitutional change removed term limits on the presidency. The president has extensive powers, including the authority to dissolve the parliament. The bicameral legislature consists of a 91-seat Senate and a 120-seat National Assembly. Regional and municipal government officials elect senators for six-year terms. National Assembly members are elected by popular vote to serve five-year terms.

Freedom to form and join political parties is generally respected, but civil servants face harassment and discrimination if they affiliate with opposition groups. The PDG has held power continuously since 1968. Of some 50 other registered parties, 40 are part of the ruling PDG-led coalition, the Union for the Gabonese Presidential Majority (UMPG). In early 2008, the Constitutional Court temporarily suspended voter registration to examine complaints made by opposition parties, but in September, it rejected most complaints on procedural grounds. The Court also confirmed the results of the April local elections.

Corruption is widespread. In 2007, a French judge found President Omar Bongo guilty of accepting a bribe to free a French citizen from jail in 1996. The National Commission Against Illicit Enrichment (CNLCEI) was established in 2003 but has yet to issue a report or take any major action. The CNLCEI is expected to address a complaint brought forward in July 2008 by three leaders from Gabonese civil society about Gabon's chief prosecutor and Bongo's relative, Bosco Fall Alaba, after his personal bank records were leaked.

Rampant graft prevents significant oil, mining, and logging revenues from reaching the impoverished majority of the population; Gabon ranked 119 out of 177 countries surveyed in the UN Development Programme's 2007/2008 Human Development Index. Separately, Gabon ranked 96 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Press freedom is guaranteed in law but restricted in practice. State censorship of the press continues, with publications printed outside of the country subject to review before distribution. In 2007, the National Council for Communication (CNC) banned two publications: the Paris-based, pan-African bimonthly *Le Gri-Gri* and the bimonthly *La Nation*. *La Nation* was banned for a month, while *Le Gri-Gri* was banned until the Paris-based paper received permission from Gabonese authorities to be printed and distributed in Gabon. In October 2008, it suspended two private weeklies, *Le Scribouillard* and *Le Mbandja*, for satirizing government ministers. Journalists practice self-censorship, and the state is authorized to criminalize civil libel suits. The Pan-African News Agency reported in 2007 that 250 trials had been conducted against the media in Gabon since 1990. In December 2008, a journalist of the satirical weekly paper *Le Nganga* was summoned to the presidential palace where he was badly beaten by soldiers. State-controlled outlets dominate the broadcast media, but there are some private broadcasters, and foreign news sources like Radio France Internationale are available. Access to the internet is not restricted by the government.

Religious freedom is enshrined in the constitution and generally upheld by authorities. The government does not restrict academic freedom.

The rights of assembly and association are guaranteed, but not always respected. Due to the lack of strong opposition parties, NGOs serve as important vehicles for criticism of the government. However, government repression makes it difficult for

local human rights groups to operate freely. In January 2008, the interior minister suspended 22 NGOs after they issued a public statement criticizing the government. The suspension was lifted after a week, but in June, a civil society leader was prevented from attending an international meeting on revenue transparency. Additionally, in July, police attempted to arrest members of the Gabonese Civil Society Forum Against Poverty (FOSCPG) on the day after it released a statement denouncing the chief prosecutor's alleged corruption. In December 2008, five civil society members, including two journalists, were arrested without charge and held in preventive detention without access to legal assistance.

Virtually the entire private sector workforce is unionized. Collective bargaining is allowed by industry, not by firm. A series of strikes and demonstrations took place in 2008, including strikes by oil workers in March and October, air traffic controllers in May and July, doctors and nurses in August, teachers in October, and market traders in November, as well as general protests over increased living expenses. While these protests were small, the police used force to break up one of the demonstrations over living expenses in April.

The judiciary is not independent. However, rights to legal counsel and a public criminal trial are generally respected. Judges may deliver summary verdicts, and torture is sometimes used to produce confessions. Prison conditions are marked by beatings and insufficient food, water, and medical care. Arbitrary arrest and long periods of pretrial detention are common. The death penalty was abolished in 2007.

Discrimination against African immigrants, including harassment by security forces and arbitrary detention, is a problem. Though equal under the law, most of Gabon's several thousand indigenous Pygmies live in extreme poverty in isolated forest communities without access to government services, and they are often exploited as cheap labor.

While no legal restrictions on travel exist, interference by the authorities occurs regularly. Business conditions remain difficult; Gabon ranked 151 out of 181 countries in the World Bank's 2009 Doing Business survey.

Gabon has been criticized for the exploitation of thousands of child laborers who are sent from other Central or West African countries to work as domestic servants. The government has cooperated with international organizations to fight child trafficking but says it lacks sufficient resources to tackle the problem.

Legal protections for women include equal-access laws for education, business, and investment, but these laws favor educated women in urban areas. Women continue to face legal and cultural discrimination, particularly in rural areas, and domestic violence is reportedly widespread. Children and young adults are also susceptible to ritual killings. There were 12 deaths attributed to ritual killings reported during the campaign period ahead of the April 2008 local elections. Rape is illegal but seldom prosecuted, and abortion is prohibited. Women have no property rights in widely practiced common-law marriages.

## The Gambia

**Population:** 1,600,000

**Capital:** Banjul

**Political Rights:** 5

**Civil Liberties:** 4

**Status:** Partly Free



**Trend Arrow:** The Gambia received a downward trend arrow due to increased corruption, the government's harsh responses to criticism, and President Yahya Jammeh's threats against homosexuals.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,5NF	7,5NF	5,5PF	4,4PF	4,4PF	4,4PF	5,4PF	5,4PF	5,4PF	5,4PF

**Overview:** The government's restriction of freedom of expression continued in 2008 with numerous cases of harassment and the arrests of several journalists. The whereabouts of journalist Chief Ebrima Manneh, detained since July 2006, remain unknown. In May, President Yahya Jammeh ordered all homosexuals to leave the country and threatened to behead those who remained. Also during the year, the country lost ground on international governance indicators amid increasing official corruption.

After gaining independence from Britain in 1965, The Gambia functioned for almost 30 years as an electoral democracy under President Dawda Jawara and his People's Progressive Party. A 1981 coup by leftist soldiers was reversed by intervention from Senegal, which borders The Gambia on three sides. The two countries formed the Confederation of Senegambia a year later, but it was dissolved in 1989.

Lieutenant Yahya Jammeh deposed Jawara in a military coup in 1994. The junior officers who led the coup denounced the ousted government's alleged corruption, promising transparency, accountability, and early elections. Instead, they quickly issued draconian decrees curtailing civil and political rights. A new constitution, adopted in a closely controlled 1996 referendum, allowed Jammeh to transform his military dictatorship into a nominally civilian administration.

In the 2001 presidential poll, Jammeh defeated Ousainou Darboe, a human rights lawyer, who headed a three-party opposition coalition, 53 percent to 33 percent. The ruling Alliance for Patriotic Reorientation and Construction (APRC) won all but three seats in the 2002 National Assembly elections, thanks to a widespread boycott by opposition parties.

In March 2006, officials announced that they had foiled an attempted coup, leading to the arrest of dozens of people, including senior intelligence and defense personnel. The disappearance of five of the detainees raised concerns about torture. The National Intelligence Agency (NIA) also arrested several prominent journalists

and shut down a leading private newspaper, the *Independent*, during the year. Ten military officers were convicted of involvement in the coup attempt and sentenced to lengthy prison terms in April 2007.

Jammeh won a new five-year term in the September 2006 presidential election, taking 67.3 percent of the vote. Darboe, running as the candidate of the United Democratic Party (UDP), received 26.6 percent, while another opposition leader, Halifa Sallah, captured the remaining share. The preelection period was marred by government repression of the media and the opposition, and Darboe rejected the results as a "sham." In January 2007 legislative elections, the APRC won 42 out of 48 contested seats and gained another 5 that are filled by presidential appointees. A Commonwealth observer group stated that the results reflected the wishes of the electorate, but called for "a more level playing field and a more restrained utilization of the advantages of incumbency."

On May 15, 2008, the president ordered all homosexuals to leave the country within 24 hours, threatening decapitation for any who remained and promising new laws on homosexuality that were "stricter than those in Iran." Meanwhile, Jammeh continued to claim that he could personally cure HIV infection using traditional herbs.

Although The Gambia is a small, poor, and agrarian country, it has experienced modest economic growth due to its tourist industry and the government's increased emphasis on economic development, leading to a slight increase in its standing on the UN Development Programme's 2007/2008 Human Development Index.

### Political Rights and Civil Liberties:

The Gambia is not an electoral democracy. While the 2006 presidential poll was deemed free and fair by regional observers, serious government repression of the media and the opposition in the run-up to the vote made it impossible for the candidates to compete on a level playing field. Commonwealth observers found similar flaws in the 2008 legislative elections. The president, who serves as both chief of state and head of government, is elected by popular vote for unlimited five-year terms. Of the 53 members of the unicameral National Assembly, 48 are elected by popular vote, and the remainder are appointed by the president; members serve for five years.

Major political parties include the ruling APRC; the UDP, led by Ousainou Darboe; the National Reconciliation Party (NRP); and the National Alliance for Democracy and Development (NADD), a coalition of several smaller opposition groups including the People's Democratic Organization for Independence and Socialism (PDOIS). In November 2005, three opposition leaders—Hamat Bah, Omar Jallow, and Halifa Sallah—were detained for several weeks after they formed a coalition with the UDP in an effort to unseat President Yahya Jammeh in the 2006 presidential election. The 2008 Ibrahim Index of African Governance downgraded The Gambia's score for political "Participation and Human Rights," ranking it 35 out of 48 African countries in that category.

Official corruption remains a serious problem in The Gambia, and few high-level corruption-related prosecutions have taken place. In June 2006, the U.S. government suspended The Gambia's eligibility for aid under the Millennium Challenge Corporation, citing concerns about "diminishing" anticorruption efforts, among other problems. The 2008 Ibrahim Index also downgraded The Gambia's ranking in "Rule

of Law, Transparency, and Corruption," and the country was ranked 158 out of 180 surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government does not respect freedom of the press, and independent journalists are subject to arrests, threats, harassment, and violence. Self-censorship is thought to be common. The 2004 assassination of journalist and press freedom activist Deyda Hydar remains unsolved; he was killed only days after the legislature passed new amendments strengthening the criminal penalties for press offenses and multiplying the fees for media licenses. Another journalist, Chief Ebrima Manneh, was arrested in July 2006 for publishing a British Broadcasting Corporation (BBC) report that was critical of Jammeh in the state-controlled *Daily Observer* newspaper. The Community Court of Justice, an organ of the Economic Community of West African States (ECOWAS), ruled in June 2008 that Manneh's detention was illegal. He has reportedly been seen at a hospital in Banjul, but the government continues to deny knowledge of his whereabouts, and his condition is still unknown. Also in June, *Daily Observer* managing director Dida Halake was temporarily arrested on various charges, including sedition. In July, and again in August, the managing director of *Today*, Abdullamid Adiamoh, was temporarily detained and his home searched on charges of sedition. The government runs Radio Gambia as well as the sole television channel, and private radio stations relay Radio Gambia news content. For ten days in early 2008, Radio France Internationale (RFI) was temporarily banned by the government. While the state generally does not restrict internet usage, some websites have been blocked.

Freedom of religion is legally guaranteed and generally upheld by the government. Academic freedom is respected on the surface, but the limitations on freedom of speech for the press are thought to encourage self-censorship among academics. Private discussion is limited by fears of surveillance, searches, and even arrest by the NIA, which are compounded by the perception that this body operates with impunity.

Freedoms of assembly and association are provided by law and generally observed in practice. Gambians, except for civil service employees and members of the security forces, have the right to form unions, strike, and bargain for wages.

The constitution provides for an independent judiciary. Lower courts are hampered by corruption and executive influence, but the judiciary tends to operate fairly and vigorously. The Gambia continues to recruit judges and magistrates from other African countries, and is increasingly receiving judicial assistance from the Commonwealth. The judicial system recognizes customary law and Sharia (Islamic law), primarily with regard to personal and family law.

Impunity for the country's security forces is a problem. A 1995 decree, still in effect, allows the NIA to "search, arrest, or detain any person, or seize, impound, or search any vessel, equipment, plant, or property without a warrant" in the name of "state security." In such cases, the right to seek a writ of habeas corpus is suspended. The National Assembly passed a law in 2001 giving amnesty "for any fact, matter or omission to act, or things done or purported to have been done during any unlawful assembly, public disturbance, riotous situation or period of public emergency." Torture of prisoners, including political prisoners, has been reported. Diplomatic relations with Ghana have been strained over The Gambia's failure to investigate the deaths in 2005 of 50 African migrants, including 44 Ghanaians, reportedly

while in Gambian custody. In October 2007, two Amnesty International researchers were detained for a week, along with a Gambian journalist who was working with them, while investigating human rights abuses including extrajudicial detentions. Despite laws requiring authorities to obtain warrants prior to making arrests and limiting incarceration to 72 hours without formal charges, the U.S. State Department's 2008 human rights report noted several cases of detentions surpassing these limits in 2008.

The Gambia's various ethnic groups coexist in relative harmony, though critics have accused Jammeh of privileging members of the Jola ethnic group within the military and other positions of power. The constitution prohibits discrimination based on religion, language, ethnicity, gender, and other factors, and the government generally enforces these provisions, according to the U.S. State Department.

Women have fewer opportunities for higher education and wage employment than men, especially in rural areas. Sharia provisions regarding family law and inheritance restrict women's rights, and female genital mutilation remains legal and widely practiced. The U.S. State Department kept The Gambia on the Tier 2 Watch List in its 2008 Trafficking in Persons Report, citing the government's failure to reduce human trafficking for forced labor and commercial sexual exploitation of women and children. However, the government has waived school fees for girls attending primary school, and women occupy some parliamentary seats as well as 20 percent of cabinet-level positions, including the vice presidency.

## Georgia

**Population:** 4,600,000

**Capital:** Tbilisi

**Political Rights:** 4

**Civil Liberties:** 4

**Status:** Partly Free



**Trend Arrow:** Georgia received a downward trend arrow due to flaws in the presidential and parliamentary election processes, including extensive reports of intimidation and the use of state administrative resources, which resulted in a marked advantage for the ruling National Movement party.

*Note:* The numerical ratings and status listed above do not reflect conditions in South Ossetia or Abkhazia, which are examined in separate reports.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	4,4PF	4,4PF	4,4PF	4,4PF	3,4PF	3,3PF	3,3PF	4,4PF	4,4PF

### Overview:

President Mikheil Saakashvili won reelection in January 2008, having called an early poll after a controversial

**crackdown on the opposition in late 2007. His National Movement party also handily won parliamentary elections in May, but international monitors noted an array of irregularities. The Georgian state was thoroughly shaken in August, when an outbreak of fighting between government forces and South Ossetian separatists triggered a massive Russian invasion. Under the terms of a French-brokered ceasefire that month, Russian troops largely withdrew to the confines of South Ossetia and Abkhazia, Georgia's other breakaway territory, but the episode led Russia to recognize the independence of both entities. In the aftermath of the conflict, Saakashvili struggled to fend off domestic criticism as key allies defected to the still-fragmented opposition.**

Absorbed by Russia in the early 19th century, Georgia gained its independence in 1918. In 1922, it entered the Soviet Union as a component of the Transcaucasian Federated Soviet Republic, becoming a separate Soviet republic in 1936. An attempt by the region of South Ossetia to declare independence from Georgia and join Russia's North Ossetia in 1990 sparked a war between the separatists and Georgian forces. Although a ceasefire was signed in 1992, South Ossetia's final political status remained unresolved.

Following a national referendum in April 1991, Georgia declared its independence from the Soviet Union. Nationalist leader and former dissident Zviad Gamsakhurdia was elected president in May. The next year, he was overthrown by opposition forces and replaced with former Georgian Communist Party head and Soviet foreign minister Eduard Shevardnadze. Parliamentary elections held in 1992 resulted in more than 30 parties and blocs winning seats, although none secured a clear majority.

In 1993, Georgia was rocked by the violent secession of the Abkhazia region and an insurrection by Gamsakhurdia loyalists. Shevardnadze legalized the presence of some 19,000 Russian troops in Georgia in return for Russian support against Gamsakhurdia, who, once defeated, committed suicide. In early 1994, Georgia and Abkhazia signed an agreement in Moscow that called for a ceasefire, the stationing of Commonwealth of Independent States (CIS) troops under Russian command along the Abkhazian border, and the return of refugees under UN supervision. In 1995 parliamentary elections, the Shevardnadze-founded Citizens' Union of Georgia (CUG) captured the most seats, while Shevardnadze himself was elected with 77 percent of the vote in a concurrent presidential poll.

The CUG won again in the 1999 parliamentary elections, and observers from the Organization for Security and Cooperation in Europe (OSCE) concluded that, despite some irregularities, the vote was generally fair. In the 2000 presidential poll, Shevardnadze won a second five-year term as expected, but his wide margin of victory led to fraud accusations that were supported by the findings of election monitors.

Following the parliamentary elections, Shevardnadze faced growing opposition from prominent members of the CUG, including Justice Minister Mikheil Saakashvili, who criticized the president's failure to contain widespread corruption. While Shevardnadze resigned as CUG chairman in 2001, Saakashvili left the CUG to form his own party, the National Movement, and a formal party split was ratified in May 2002. The CUG lost ground to several rival parties in June 2002 local elections, and Saakashvili was later named chairman of the Tbilisi city council.

A flawed parliamentary vote in November 2003 sparked a campaign of street

protests, known as the Rose Revolution, which ultimately led to Shevardnadze's resignation. Official results put the pro-Shevardnadze coalition For New Georgia in the lead with 21 percent, followed by a party headed by the leader of the semiautonomous southwestern region of Ajaria with nearly 19 percent, Saakashvili's National Movement with 18 percent, and three smaller factions. However, independent domestic monitors concluded that the National Movement had actually won the election with nearly 27 percent of the vote. OSCE monitors reported violations, including ballot-box stuffing, inaccurate voter lists, biased media coverage, harassment of some domestic election monitors, and pressure on public employees to support progovernment candidates.

Mass demonstrations in the wake of the flawed vote culminated on November 22, when Saakashvili led protesters into the Parliament building and forced the president, who was addressing the new legislature's opening session, to flee the premises. Shevardnadze resigned the following day, and Parliament speaker Nino Burjanadze, a Saakashvili ally, was named interim president. Meanwhile, the Supreme Court cancelled the results of the parliamentary elections.

Saakashvili won a snap presidential election in January 2004, running virtually unopposed and capturing 96 percent of the vote. Fresh parliamentary elections in March gave two-thirds of the seats to the National Movement and allied parties.

Saakashvili's relations with Russia soured as he quickly reestablished Tbilisi's control over Ajaria and declared his intention to reintegrate the separatist enclaves of Abkhazia and South Ossetia, which were tacitly supported by the Kremlin. Russia imposed a trade and transport embargo on Georgia in 2006—in response to Georgia's brief detention of several alleged Russian spies—and the two countries continued to exchange accusations of military provocation surrounding the two breakaway territories over the next two years.

Meanwhile, new challenges emerged to Saakashvili's ongoing dominance of the domestic political scene. Former defense minister Irakli Okruashvili, who had taken a hard line on the separatist enclaves and left the government in late 2006, announced the formation of a new opposition group in September 2007 and claimed that the president had ordered the murders of political opponents, although he offered no evidence to support the allegation. Shortly thereafter, Okruashvili was arrested on corruption charges, then released on bail following a televised retraction of his accusations. Speaking from Germany in November of that year, he maintained that the retraction was coerced. The Georgian government pursued his extradition, but he was eventually granted political asylum in France.

Also in late 2007, tens of thousands of Georgians took to the streets to express opposition to the president. The second wave of protests in early November drew between 50,000 and 100,000 demonstrators, prompting a violent police crackdown and the imposition of a state of emergency on November 7. The state of emergency, which remained in force until November 16, barred opposition media from the airwaves and restricted street protests. Responding to opposition demands for early elections, Saakashvili scheduled a snap presidential vote for January 5, 2008, giving his opponents relatively little time to prepare. To become a candidate, Saakashvili resigned and left Burjanadze, the speaker of Parliament, as acting president.

Saakashvili won reelection with roughly 53 percent of the vote, but OSCE observers noted an array of irregularities. Levan Gachechiladze, candidate of the Na-



tional Council opposition bloc, placed second with 27 percent; he claimed that fraud had pushed Saakashvili beyond the 50 percent threshold, preventing a runoff. The ruling party and its allies captured 119 of the 150 seats in May parliamentary elections, with the opposition again declaring that the balloting was rigged. More than a dozen of the winning opposition candidates refused to take their seats, and international monitors found that the authorities had failed to correct the problems noted in the presidential vote.

Georgia's ambitions to join NATO were dealt a blow in April, when leaders at an alliance summit decided not to offer the country a Membership Action Plan, which would prepare the way for accession. However, the summit's final statement predicted that Georgia would join eventually. The issue took on added importance as tensions with Russia over South Ossetia and Abkhazia mounted during the spring and summer. Open warfare erupted in South Ossetia in early August, and an ensuing Russian invasion pressed deep into Georgian territory. A French-brokered ceasefire took hold after more than a week of fighting, and by fall, Russian forces had largely withdrawn to the confines of the two separatist enclaves. Russia recognized the territories' independence in the wake of the conflict, but few other countries followed suit. In late December, the OSCE announced that it was ending its long-standing military monitoring mission in Georgia, citing Russia's refusal to extend the mandate unless other OSCE members acknowledged the independence of South Ossetia and Abkhazia. However, European Union civilian monitors would continue to patrol the regions' borders under an agreement stemming from the August ceasefire.

In a sign of growing domestic dissatisfaction with Saakashvili's leadership, Burjanadze announced in October that she was forming a new opposition party to be known as Democratic Movement-United Georgia; she had previously indicated her break with the president in April. Several other former allies defected to the opposition during the year, including Saakashvili's envoy to the United Nations, who cited the president's handling of the South Ossetia standoff. On the same day as Burjanadze's October declaration, Saakashvili fired Prime Minister Lado Gurgenzidze. The defense and foreign ministers were dismissed two months later, marking the fourth cabinet reshuffle that year. Several opposition parties mounted a demonstration in November to mark the anniversary of the 2007 crackdown, criticizing the president's performance and calling for new elections. Other denunciations during the year came from Georgia's human rights ombudsman, who said in September that the leadership was abandoning democracy for "authoritarian rule."

**Political Rights and Civil Liberties:** Georgia is not an electoral democracy. While the elections following the 2003 Rose Revolution were considered improvements over previous polls, OSCE monitors found a number of problems with the 2008 presidential and parliamentary elections. These included the passage of electoral code changes just weeks before voting, the abuse of state resources, reports of intimidation aimed at public employees and opposition activists, biased coverage by privately owned media outlets, suspected voter-list inaccuracies, and flaws in the tabulation and complaint-adjudication processes.

The president appoints the cabinet and serves up to two five-year terms, although current president Mikheil Saakashvili—first elected in 2004—was reelected

in 2008 after calling an early vote. Parliament until the 2008 elections consisted of 235 members, with 100 elected by party list, 75 elected in single-member districts, and 10 others representing displaced citizens from Abkhazia. Under the new structure, which came into effect in 2008, Parliament has just 150 seats, with half chosen by party list and the other half in single-member districts. The OSCE monitoring report on the May elections noted that the number of voters in the single-member districts ranged from 6,000 to 140,000, since the amended electoral code did not require the constituencies to be of equal size.

Saakashvili's National Movement has been the dominant party since the Rose Revolution. There are numerous opposition parties, which have formed a series of shifting alliances in recent years. The violent dispersal of demonstrators and state of emergency in November 2007 quashed the opposition's first major effort to assert itself against Saakashvili, and the outcome of the flawed 2008 elections dealt opposition parties another blow. The defection of former Parliament speaker Nino Burjanadze and other Saakashvili allies to the opposition in 2008 set off a new round of reorganization, and the political landscape remained in flux at year's end.

The current administration has made combating corruption a priority. Although Georgia continues to suffer from corruption, the country has worked to distinguish itself from the majority of its regional neighbors. Among the government's recent achievements have been meaningful university-level education reforms that have helped to limit previously entrenched corrupt admissions and grading practices. A number of officials were arrested in 2004 for alleged graft during the presidency of Eduard Shevardnadze. In 2005, the government adopted an anticorruption plan aimed at improving the transparency and effectiveness of the civil service while strengthening the role of inspectors general within public agencies; the implementation of this plan is in its nascent stages. Despite progress in fighting lower- and mid-level corruption, Georgia apparently continues to suffer from corruption at elite levels, and the political opposition has seized on the issue in its criticisms of the Saakashvili government. As the administration has become more insular, opportunities for cronyism and insider deals have grown. Georgia was ranked 67 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Georgia's constitution provides guarantees for press freedom, and the print media, though limited in reach, feature a diversity of political opinions and perspectives. The state television and radio outlets were converted into public service broadcasters in 2005. Critics assert that over time, Georgia's public broadcasting has become more friendly to the authorities. The broadcast media reflect the quality of the country's political debate, which is sorely lacking in thoughtful discussion of public policy, and private ownership is often nontransparent. During the November 2007 political turmoil, security forces raided the broadcast facility of a critical television station, Imedi, and shut down its operations. Saakashvili's assertions that Imedi used its broadcasts to subvert the government were denied by U.S.-based News Corporation, which had recently acquired the outlet. Imedi briefly returned to the airwaves in December, but the station's management soon shut it down again, citing pressure from the authorities. It resumed broadcasting in September 2008, having been purchased by a progovernment businessman. The authorities do not restrict access to the internet, but high-speed internet connections are prohibitively expensive for many citizens.

Freedom of religion is respected for the country's largely Georgian Orthodox Christian population and some traditional minority religious groups, including Muslims and Jews. However, members of newer groups, including Baptists, Pentecostals, and Jehovah's Witnesses, have faced harassment and intimidation by law enforcement officials and Georgian Orthodox extremists.

The government does not restrict academic freedom. Georgia has put in place significant reforms to improve academic standards and independence. These steps have helped eliminate the bribes students previously paid to receive high marks or pass entrance examinations.

Respect for the freedoms of association and assembly were tarnished during the November 2007 state of emergency and crackdown on opposition protests, in which several hundred people were injured. These rights were again constrained by the August 2008 conflict and Russia's weeks-long occupation of significant portions of Georgian territory. Several opposition parties held a rally on the anniversary of the 2007 crackdown; there was no repeat of the previous violence, but the protest was significantly smaller than those in 2007, and a number of parties declined to participate.

Nongovernmental organizations (NGOs) are able to register and operate without arbitrary restrictions. The country's NGOs play an active role in public debate, though their influence has diminished somewhat under the current administration. The constitution and the Law on Trade Unions allow workers to organize and prohibit antiunion discrimination. The Amalgamated Trade Unions of Georgia, the successor to the Soviet-era trade federation, is the principal trade union bloc. It is not affiliated with, and receives no funding from, the government.

The judiciary has been unable to establish itself as an independent institution, and it continues to suffer from extensive corruption and pressure from the executive branch. The payment of bribes to judges is reportedly common, and judicial reform efforts have been slow in moving forward.

The police force has improved its performance since the government dismissed half of its personnel in 2004 as part of an anticorruption overhaul. Among other results, the reforms led to a virtual eradication of corrupt vehicle stops by police to extract bribes from motorists—previously a part of daily life and still prevalent in nearly all other former Soviet republics. However, human rights ombudsman Sozar Subari has repeatedly accused the police of abusing and torturing detainees, and prison conditions in Georgia remain grim.

The government generally respects the rights of ethnic minorities in areas of the country that are not contested by separatists. Freedom of residence and freedom to travel to and from the country are observed, although the embargo imposed by Moscow prevents travel to and from Russia, and the August 2008 Russian invasion restricted internal travel for part of the year.

Societal violence against women is a problem. The authorities have acknowledged the issue and in 2006 passed the first law on domestic violence, which allows victims to file immediate protective orders against their abusers and permits police to issue a temporary restrictive order against suspects. While there are no laws that specifically criminalize violence against women, the criminal code classifies rape and sexual coercion as crimes. Georgian law prohibits trafficking in persons, but the country remains a source, transit point, and destination for the trade.

## Germany

**Population:** 82,200,000

**Capital:** Berlin

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Tensions increased between the center-right Christian Democratic Union (CDU) and the center-left Social Democratic Party of Germany (SPD) during the third year of their coalition government. The SPD changed its leadership amid declining political fortunes, and both parties began to prepare for the 2009 elections.

Modern Germany emerged in 1871, when the existing patchwork of German states unified under Prussian leadership. Defeated in World War I, and again more devastatingly in World War II, Germany was divided into two states—the capitalist and democratic Federal Republic in the west and the communist German Democratic Republic in the east—during the ensuing Cold War. The Berlin Wall, which had kept East Berliners from fleeing west, was opened in 1989, and East Germany was absorbed into the Federal Republic the following year. Despite more than a decade of massive subsidies, eastern Germany remains considerably poorer than the rest of the country, with higher levels of unemployment. The economic situation has contributed to greater support for extremist political groups in the east.

A coalition of the Social Democratic Party (SPD) and the Green Party was elected in 1998, with the SPD's Gerhard Schroeder as chancellor. The government's first term was marked by slow economic growth, and the SPD's opinion-poll ratings languished in late 2002. However, Schroeder drew voter support by vocally opposing U.S. preparations to invade Iraq, and the coalition parties bested the opposition alliance of the Christian Democratic Union and Christian Social Union (CDU/CSU) in the September 2002 legislative elections.

The government's poll ratings sank quickly again after the elections, and the SPD lagged far behind the CDU/CSU in popularity for most of Schroeder's second term. The primary reason was dissatisfaction with the economy, which shrank slightly in 2003. The unemployment rate remained stubbornly high, at around 10 percent. Schroeder began to tackle that issue in earnest with labor-market reforms in 2002, making it easier for firms to fire workers, encouraging the creation of part-time and lower-wage "mini-jobs," and cutting benefits to the unemployed if they proved unwilling to take an available job or to move to take a job. However, the reforms irritated labor unions, a key component of the SPD's electoral base, and failed to improve the economy quickly enough for voters.

The SPD's May 2005 state electoral defeat in North Rhine-Westphalia, a traditional party stronghold, led the chancellor to call for a parliamentary vote of confidence, which he planned to lose in order to bring national elections forward by a year. He duly lost the vote, and after the Constitutional Court granted its approval, early elections were set for September.

The CDU/CSU, which chose Angela Merkel as its candidate for chancellor, mounted a lackluster campaign that eroded its substantial lead in the polls. In the end, the alliance won just 225 seats, while the SPD took 222. The CDU/CSU's preferred coalition partner, the socially liberal, market-oriented Free Democratic Party (FDP), won 61 seats, up from 47. However, that was not enough to grant the prospective coalition a majority, and the incumbent coalition of the SPD and Greens also fell short. Both sides were unwilling to cooperate with the newly formed Left Party, a combination of left-wing SPD rebels and the successor to East Germany's Communist Party that won 54 seats. After unusually protracted coalition negotiations, the CDU/CSU and the SPD were obliged to form a "grand coalition," and Merkel became Germany's first female chancellor.

Merkel began her term with high personal popularity ratings. However, over the course of 2006 and 2007, the grand coalition proved slow to move on new legislation as the two constituent parties engaged in long negotiations over a wide variety of issues. A modest health-care reform agreement was reached in 2006. In 2007, other coalition accords trimmed the payroll tax and made it easier for foreign engineers to work in Germany. An economic upswing removed the impetus for more aggressive legislative action.

Concerns over the assimilation of Muslim immigrants were prominent in 2006. A German politician of Turkish descent was badly beaten in May, allegedly by neo-Nazis. In August, two crude bombs, which failed to detonate, were found on German trains. A Mozart opera, *Idomeneo*, was canceled in September because of security concerns over a controversial staging that featured the severed heads of Jesus, Buddha, and the prophet Muhammad.

In 2007, Germans engaged in a heated debate over plans to build a mosque in Cologne, and immigration laws were tightened as assimilation worries continued. One measure required spouses migrating to Germany to pass a German language test, drawing objections from the country's large Turkish minority. In September of that year, an alleged terrorist plot to attack Frankfurt's airport and a U.S. airbase was foiled. The fact that two of the suspected plotters were native German converts to Islam raised fears that the terrorist threat would be increasingly difficult to combat. Government ministers proposed strengthening antiterrorism laws. Some steps, including making it easier for the intelligence services and police to share information, were relatively uncontroversial. But a proposal for remote electronic eavesdropping proved more contentious.

Merkel enjoyed international prominence during 2007, which sustained her popularity at home. She hosted a Group of 8 summit, winning global-warming commitments, and held the rotating presidency of the European Union (EU) for the first half of the year. However, tensions between the two parties of the grand coalition began to build later in the year, with each trying to distinguish itself as the government entered the second half of its term.

These tensions continued in 2008. The CDU fared poorly in January's state elec-

tions in Hesse and North-Lower Saxony. In October, the CSU (the CDU's partner, which operates only in Bavaria) had its worst state election result in 46 years, losing its majority. But the SPD was unable to capitalize on the CDU/CSU's losses, and the biggest gainer of the year was the Left Party. In September, the SPD, torn between its centrist and left wings, replaced its leader, Kurt Beck, with Franz Muentefering, a former vice chancellor. The party named Foreign Minister Frank-Walter Steinmeier as its chancellor candidate for the 2009 elections. Despite a lackluster political year, Merkel was overwhelmingly reelected as party leader at the end of 2008.

### Political Rights and Civil Liberties:

Germany is an electoral democracy. The constitution provides for a lower house of parliament, the 614-seat Bundestag (Federal Assembly), elected at least every four years through a 50-50 mixture of proportional representation and single-member districts, as well as an upper house, the Bundesrat (Federal Council), which represents the states and approves key legislation, including economic bills. Its 69 members are delegates from the individual state governments, and each state's delegation must vote as a block. The country's head of state is a largely ceremonial president, chosen jointly by the Bundestag and a group of state representatives to serve up to two five-year terms. In Germany's federal system, state governments have considerable authority over matters such as education and policing, as well as substantial powers to tax and spend. The chancellor, the head of government, is elected by the Bundestag and usually serves for the duration of a four-year legislative session. He or she can only be deposed in the middle of a term if the Bundestag chooses a replacement, in a so-called constructive vote of no confidence.

Political pluralism has been constrained by laws restricting the far left and far right. The Communist Party of Germany was banned in the Federal Republic in 1956. However, the former ruling party of communist East Germany, renamed the Party of Democratic Socialism (PDS), was a legal and democratic far-left party that participated in state governments after reunification. It merged with former left-wing SPD members to form the new Left Party ahead of the 2005 elections and has since grown in prominence.

The two main far-right parties, the National Democratic Party (NDP) and the German People's Union (DVU), are hostile to immigration and the EU. Although they sometimes receive a small share of the vote—the NDP won 9 percent in a state election in Saxony in 2004, and 7.3 percent in Mecklenburg-Western Pomerania in 2006—they are routinely kept out of government and pose little threat to democratic rule. Their strength is greater in the former East Germany, where unemployment and poor economic conditions feed political frustration. However, tightened asylum and immigration laws have undercut basic support for the far-right parties, which once again failed to win seats in the 2005 federal elections. (Parties must win at least 5 percent of the vote to be represented in the Bundestag.) Nazism is illegal, but the government's attempts to ban the NDP as a neo-Nazi group were stalled in court in 2003, when it was revealed that many of those testifying against the party were government agents. The December 2008 stabbing of the police chief of Passau, who had vigorously pursued a neo-Nazi agenda, received national attention.

The government is held accountable for its performance through open debates in the parliament, which are covered widely in the media. Germany is free of perva-

sive corruption and was ranked 14 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is protected in the constitution, and the media are largely free and independent. However, it remains illegal to advocate Nazism or deny the Holocaust. The authorities have sought unsuccessfully to prosecute internet users abroad who post Nazi propaganda aimed at Germany.

In March 2003, the Constitutional Court ruled that surveillance of journalists' telephone calls could be deemed legal by judges in "serious" cases. The lack of a definition for "serious" is a cause for concern among reporters. Journalists have also been prosecuted for "divulging state secrets," for example on the government's antiterrorism efforts. Seventeen such cases were brought in 2007. In 2006, the parliament released a report concluding that the federal intelligence agency had been spying on journalists, and similar complaints from the press continue. Reporters are not the targets of investigations, but federal antiterrorism efforts that involve tapping journalists' telephones undermine the confidence of sources. Nevertheless, the press remains lively, investigative, and professional.

Freedom of belief is protected under law. Religions that fulfill certain requirements have the status of a "corporation under public law," and the government collects taxes from members on the religious groups' behalf, for a fee. However, Germany has taken a strong stance against the Church of Scientology, which it deems an economic organization rather than a religion. The four biggest political parties deny membership to Scientologists, and the group has been under surveillance by intelligence agencies. The Jehovah's Witnesses were denied public-law corporation status in 1997 for failing to demonstrate "indispensable loyalty" to the democratic state, but this ruling was overturned on church-state separation grounds in 2000. The state of Berlin resisted granting public-law corporation status to the Witnesses until 2006, when court rulings forced it to do so. The Jehovah's Witnesses' organizations also have tax-exempt status. Several states have passed laws prohibiting female Muslim schoolteachers from wearing headscarves (*hijab*) on duty, amid a climate of incrementally rising hostility toward Muslim immigrants and their German-born children. In late 2007, a court ruled that the state of Hesse's strict ban on public servants wearing the *hijab* did not violate the state's constitution. Other states have considered similar bans. Academic freedom is generally respected in Germany.

Civic groups and nongovernmental organizations operate without hindrance. The right of peaceful assembly is not infringed upon, except in the case of outlawed groups, such as those advocating Nazism or opposing the democratic order. Trade unions, farmers' groups, and business confederations are free to organize, and they have traditionally played a prominent role in Germany's consensus-based policy-making system. However, unions have weakened in recent years.

The judiciary is independent, and the rule of law prevails. The Federal Constitutional Court vets the compatibility of legislation with the basic law. In addition to having its own provisions, Germany is a party to the European Convention on Human Rights. Prison conditions are adequate, though the Council of Europe has criticized the practice of preliminary detention before formal arrest; people so detained may not contact a lawyer or family members.

Anti-immigrant sentiments have led to attacks on members of ethnic minorities, but immigrants in Germany are less "ghettoized" than in some neighboring coun-

tries, such as France. A 2000 reform made it easier for those born in Germany of foreign parents to obtain citizenship, though the process remains cumbersome.

While women's rights are well protected, with generous maternity policies and antidiscrimination laws, the latter do not prevent some wage discrimination. There are 6 women in the 14-member federal cabinet. Limited same-sex partnership rights are respected.

## Ghana

**Population:** 23,900,000

**Capital:** Accra

**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,3PF	2,3F	2,3F	2,3F	2,2F	2,2F	1,2F	1,2F	1,2F	1,2F

**Overview:** Ghana's presidential and parliamentary elections in December 2008 were widely praised as a successful democratic transfer of power. The opposition National Democratic Congress (NDC) candidate, John Atta Mills, narrowly defeated the candidate of the ruling National Patriotic Party (NPP), Nana Akufo-Addo, in a presidential runoff vote on December 28. Power similarly transferred hands in the Parliament as the NDC secured 114 seats against the NPP's 107. There were problems with voter registration early on, and both parties reported minor instances of electoral fraud, although all were eventually dismissed by the Electoral Commission. Nevertheless, sporadic violence erupted between supporters of the two main parties and rival ethnic groups in the north throughout the year.

Ghana achieved independence from British rule in 1957. After the 1966 ouster of its charismatic independence leader, Kwame Nkrumah, the country was rocked for 15 years by a series of military coups. Successive military and civilian governments vied with one another in both incompetence and dishonesty.

In 1979, air force officer Jerry Rawlings led a coup against the ruling military junta, and although he returned power to a civilian government after a purge of corrupt senior army officers, he seized power again in December 1981. Rawlings's new administration proved to be brutally repressive, banning political parties and quelling all dissent. In the face of a crumbling economy and political protests, he eventually agreed to legalize political parties and hold elections in the late 1980s. However, the elections were considered neither free nor fair, and Rawlings and his National Democratic Congress (NDC) party remained in power. The 1996 elections were gen-



erally respected at home and abroad, though Rawlings and the NDC again retained their positions.

In 2000, free and fair presidential and parliamentary polls led to a peaceful transfer of power from Rawlings (who was forced to step down due to term limits) and the NDC to opposition leader John Kufuor and his New Patriotic Party (NPP). Kufuor won soundly with 57 percent of the vote, while NDC candidate John Atta Mills captured 43 percent. Kufuor was reelected in 2004, defeating Atta Mills for a second time. The NDC alleged irregularities and called for a vote recount, but the Electoral Commission (EC) turned down the request. In that year's legislative elections, the NPP won 128 seats, and the NDC took 94. Sporadic violence was reported, as were a few incidents of intimidation and other irregularities, but domestic and international observers judged the elections to be generally free and fair.

The NPP faced internal divisions as Kufuor neared the end of his second term, with some 20 candidates vying for the party's presidential nomination by the end of 2007. Ultimately, Nana Akufo-Addo—most recently the foreign minister—was chosen over Kufuor's preferred candidate, Alan Kyerematen. A new party, the Reformed Patriotic Democrats (RPD), broke away from the NPP in March 2008, claiming dissatisfaction with the ruling party's performance, particularly with regard to the interests of young people. The majority of RPD supporters came from the Ashanti tribe, of which Kufuor and Kyerematen were members, while Akufo-Addo belonged to the Akyem tribe; the split increased tribal tensions. In April, Kyerematen himself resigned from the NPP, claiming that he and his supporters had been marginalized since Akufo-Addo's selection and that the NPP had become intolerant of dissent. It was only after persistently promising to resolve these issues that the NPP was able to convince Kyerematen to rejoin.

Meanwhile, the NDC easily appointed John Atta Mills as its candidate for the third time. His choice of running mate, John Dramani Mahama, proved to be more divisive, as the wife of Jerry Rawlings stated publicly that neither she nor her husband would support Mahama. Although Rawlings still had considerable influence in the NDC, Atta Mills stuck with his selection.

The EC encountered a few problems during its election preparations. In February, it announced that it would not implement a 2007 law that permitted Ghanaians living overseas to vote, citing "capacity constraints." The possibility of overseas voting had stirred controversy in the preceding months as the NDC argued that it would benefit the NPP. Separately, the NDC claimed in March that there had been irregularities in the voter registration process, particularly in a pro-NPP region. The EC launched an independent investigation that found discrepancies between the digital and hard-copy versions of the voter registry. The investigation panel recommended that the EC strengthen its accounting and computer facilities and improve its relations with the political parties. When voter registration resumed in August, only minor instances of partisan violence were reported. Yet, by the end of the month, the EC admitted that there were ongoing registration problems and that it believed the registry to contain an excess of nearly one million names.

The National Enforcement Body of the Political Parties Code of Conduct reported a number of violations by both major parties in the run-up to the December elections. Instances of violence included a September campaign rally in the north at which

six people were killed. The enforcement body also cited the parties for lack of cooperation with the police and the use of inflammatory language.

In the end, however, the elections were viewed as a success by both domestic and international observers. In the first round of the presidential election held on December 7, Akufo-Addo won 49 percent of the vote against Atta Mills's 48 percent. As neither candidate received more than 50 percent, a runoff vote was held on December 28, when Atta Mills won with just 50.23 percent of the vote, marking the second ever peaceful transfer of power by democratic means in Ghana. Power similarly transferred hands in Parliament as the NDC secured 114 seats against the NPP's 107. Both parties reported minor instances of electoral fraud, but all were dismissed by the EC.

Intertribal clashes increased in the north during 2008. Rivalry between the Kusasi and Mamprusi tribes led to some 15 deaths and a curfew and weapons ban in the Bawku region for much of the year. In the northern Dagbon region, tension persisted between the Adani and Abudu tribes, both of which claimed to be the rightful heirs to the position of paramount chief in the region. Perceptions of allegiances between these ethnic groups and respective national political parties only served to aggravate the situation.

While Ghana has recently been working to move away from donor dependency, the country in September 2008 signed an agreement for a £250 million (\$351 million) grant from Britain covering 2008-10. In addition, the government has privatized Ghana Telecom by selling a 70 percent stake to the British company Vodafone for \$900 million. Revenue from oil fields recently discovered off the coast is expected to begin flowing during the incoming president's term, increasing the determination of both parties to capture power in the 2008 elections.

### **Political Rights and Civil Liberties:**

Ghana is an electoral democracy. The December 2008 presidential and parliamentary elections were considered fair and competitive. The president and vice president are directly elected on the same ticket for up to two four-year terms. Members of the unicameral, 230-seat Parliament are also elected for four-year terms.

The political system is dominated by two rival parties, the NPP and the NDC, which won 114 and 107 seats, respectively, in the Parliament in the December 2008 legislative elections. A number of smaller parties hold the remaining seven seats.

The government of outgoing president John Kufuor made efforts to improve transparency and reduce corruption, including the 2008 establishment of a task force to fight corruption and smuggling in the cocoa industry, and an anticorruption unit in the attorney general's office to study the findings of a parliamentary committee on public accounts. However, the opposition criticized the year's moves as insufficient, and many of Kufuor's past anticorruption measures have shown few results, despite his zero-tolerance policy on corruption. In fact, prosecutions have often focused on former NDC officials, creating the appearance of politicization. Former minister of health, Richard Anane, who had been forced to resign in 2006 over corruption allegations, was reinstated by Kufuor in 2008 and given the new position of transportation minister when he was found not guilty after an appeal to the Supreme Court. Even so, Kufuor's critics said this demonstrated a lack of commitment to his zero-tolerance policy on corruption. Ghana was ranked 67 out of 180 countries sur-

veyed in Transparency International's 2008 Corruption Perceptions Index, the highest ranking it has received since 2002.

Freedom of expression is constitutionally guaranteed and generally respected. Numerous private radio stations operate, and many independent newspapers and magazines are published in Accra. However, Ghana has yet to pass legislation protecting freedom of information. The number of attacks on and acts of intimidation against journalists increased in 2008, as police arbitrarily detained and abused reporters throughout the year, and a number of journalists reported being attacked or threatened in the months leading up to the election, particularly by NPP supporters. Both the NPP and the NDC were also accused of using inflammatory language and inciting violence in the final months of the campaign, though no significant violence resulted during the election itself. Internet access is unrestricted.

Religious freedom is generally respected. In March 2008, the Ministry of Education removed religious education from the state school curriculum, but a wave of protests from religious leaders eventually led the government to reverse its action. Separately, human rights advocates expressed concern about reports of exorcism-related physical abuse at Pentecostal camps.

Academic freedom is also guaranteed and respected. In 2005, the government removed all fees for access to primary and secondary education, but this did not extend to university tuition. School enrollment rose by more than 16 percent after the new policy was implemented, and it remained high in 2008.

The rights to peaceful assembly and association are constitutionally guaranteed, and permits are not required for meetings or demonstrations. However, in 2008, the local court in Tamale issued a restraining order against an opposition pressure group, the Committee for Joint Action, because the regional police did not have the resources to protect participants in its planned protest. Some 30,000 people nevertheless took to the streets, peacefully protesting the government's inaction on fighting poverty. Separately, political parties were able to freely demonstrate and hold rallies during the electoral campaign, but a number of the events turned violent when supporters of rival parties clashed.

Under 2003 labor laws that conform to International Labor Organization (ILO) conventions, workers have the right to form or join trade unions. About 20 percent of the workforce is employed in the formal sector, but less than 9 percent is unionized.

Ghanaian courts have acted with increased autonomy under the 1992 constitution, but corruption remains a problem. Scarce resources compromise the judicial process, and poorly paid judges are tempted by bribes. Despite promises made by the new chief justice appointed in 2007, there were no noticeable improvements to the judicial infrastructure over the last year. However, in November 2008, she approved the establishment of a national Human Rights Court to hear cases from the Commission for Human Rights and Administrative Justice. Corruption cases against current and former NDC officials often produced results favorable to the NPP government, and an Accra Fast Track High Court, which typically heard these cases, was believed by many to be simply a "fast track to prison." In 2008, high-profile NDC member Tsatsu Tsikata was tried in the court without the presence of his lawyers and with a judge thought to have a pro-NPP bias; he was found guilty of "causing financial loss to the state." While the government has taken steps to improve prisons, conditions remain harsh and sometimes life-threatening.

Communal and ethnic violence occasionally flares in Ghana. The north of the country is dominated by various tribal associations, many of which have ties to major political parties based in the south. Tribal tensions erupted into violence in 2008, and a curfew and weapons ban was imposed on the northern Bawku region. Tribal rivalry within the NPP did not lead to violence during the year, but it did contribute to the formation of a splinter party.

Ghanaians are generally free to travel throughout the country despite occasional police-imposed curfews or roadblocks erected by security forces or civilians seeking payments from motorists. Citizens from neighboring countries are free to travel to Ghana.

Despite their equal rights under the law, women suffer societal discrimination, especially in rural areas where opportunities for education and wage employment are limited. However, women's enrollment in universities is increasing. Domestic violence against women is said to be common but often goes unreported. A domestic violence law, which allows prosecution for spousal rape, was passed in 2007, but due to the persistent stigma, it has not increased the number of women coming forward to report rate. Sexual violence against girls is a particular problem in the country's otherwise thriving educational sector. The country serves as a source and transit point for human trafficking, including for child labor and sexual exploitation. Although the practice is illegal, only nine traffickers were apprehended during 2008, and none have been fully tried and sentenced. The government recently set up a Human Trafficking Board tasked with drafting a national plan of action to combat this problem.

## ↓ Greece

**Population:** 11,200,000

**Capital:** Athens

**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free



**Trend Arrow:** Greece received a downward trend arrow due to countrywide riots in December that posed a serious threat to the general population and to economic activities, as well as the inability of the government and security forces to control the situation.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,3F	1,3F	1,3F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F

### Overview:

Violent protests triggered by the police shooting of a 15-year-old caused major disruptions and destroyed businesses in December. The unrest followed a national strike

**called by civil servants in March to protest against proposed pension reforms, though the changes were eventually passed by Parliament.**

The core of modern Greece gained independence from the Ottoman Empire in 1830. The ensuing century brought additional territorial gains at the Ottomans' expense, as well as domestic political struggles between royalists and republicans. Communist and royalist partisans mounted a strong resistance to Nazi German occupation during World War II, but national solidarity broke down in the early postwar period, when royalists won national elections and eventually defeated the communists in a civil war. In 1967, a group of army officers staged a military coup, suspending elections and arresting hundreds of political activists. A referendum in 1974 rejected the restoration of the monarchy, and a new constitution in 1975 declared Greece a parliamentary republic.

The Panhellenic Socialist Movement (PASOK) governed the country from 1981 to 2004, except for a brief period from 1990 to 1993, when the conservative New Democracy party held power. New Democracy returned to power in the 2004 elections and won another term in September 2007, though it captured only 152 seats, 13 fewer than in 2004. PASOK also lost support in 2007, securing 102 seats. The Popular Orthodox Rally (LAOS), a nationalist and xenophobic party, won 10 seats, entering Parliament for the first time. The Communist Party of Greece (KKE) took 22 seats, and the Coalition of the Left and Progress (Synaspismos) won 14.

Civil servants staged a national strike in March 2008 in an effort to block a pension reform bill. The measure, which was eventually approved, was expected to encourage retiring workers to stay in the workforce and merge pension funds to cut operating costs. The protests significantly disrupted public transportation and led to the closing of schools and some public offices.

The country was shaken again in December, when the police shooting of a 15-year-old triggered violent protests led primarily by university students. The protests, which were the worst in decades and caused considerable damage in Athens and other cities, were believed to have been fueled by latent contempt for the police as well as a sense of social injustice and the long-standing problem of corruption in everyday life.

Also during the year, Greece continued to grapple with Macedonia over the latter country's name, which was shared by an adjacent region in Greece. At a NATO summit in April, Greece blocked Macedonia's bid to join the alliance.

**Political Rights and Civil Liberties:** Greece is an electoral democracy. All 300 members of the unicameral Parliament are elected by proportional representation. The largely ceremonial president is elected by a supermajority of Parliament for a five-year term. The current president, Karolos Papoulias of PASOK, was elected unopposed in 2005. The prime minister is chosen by the president and is usually the leader of the majority party in Parliament; the current prime minister is Konstandinos Karamanlis of the New Democracy party. Five parties won seats in Parliament in 2007: the center-left PASOK, the conservative New Democracy, the leftist KKE and Synaspismos, and the far-right LAOS.

The country has generally fair electoral laws, equal campaigning opportunities, and a system of compulsory voting that is weakly enforced. Some representatives

of the Romany community complain that certain municipalities have failed to register Roma who did not fulfill basic residency requirements.

Corruption continues to be a problem, particularly within the police forces. According to the U.S. State Department's 2008 human rights report, the police internal affairs unit took numerous actions against officers for various crimes, including forgery, pimping, and taking bribes, though overall investigations were weak and penalties were disproportionately lenient. In October 2008, a land exchange deal involving the Vatopedion monastery and the Hellenic Public Real Estate Corporation almost brought down the government and led to the resignation of two cabinet ministers. In addition, two judges were dismissed during the year on corruption-related charges. Greece was ranked 57 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution includes provisions for freedom of speech and the press, and citizens have access to a broad array of privately owned print and broadcast outlets. There are, however, some limits on speech that incites fear, violence, and public disharmony, as well as on publications that offend religious beliefs, are obscene, or advocate the violent overthrow of the political system.

During 2008 there were a number of events that undermined freedom of the press in the country. In one incident in October, four journalists from Macedonia were arrested while covering protests against a disputed army training site near the Greek-Macedonian border. In another case, a French photographer was arrested in July while taking pictures at a port for a story on immigration. Separately, a Greek journalist known for his investigative reports on corruption and human rights issues was attacked in the city of Lechaina in October.

A 2007 media law inhibits minority press freedom by mandating that the main transmission language of radio stations must be Greek. It also requires that radio stations keep a certain amount of money in reserve and hire a certain number of full-time staff, rules that placed a disproportionate burden on smaller, minority-owned stations. Internet access is not restricted in Greece.

While the constitution guarantees the right of all citizens to practice the religion of their choice, the Orthodox Church is considered the "prevailing" denomination of the country, and it receives government subsidies. Members of some minority religions face social discrimination and legal barriers. For example, some groups have encountered legal restrictions on inheriting property, and "known" religious groups are required to obtain permits to open houses of worship. Proselytizing is prohibited, and consequently, Mormons and Jehovah's Witnesses are routinely arrested and have reported abuse by police officers. Anti-Semitism remains a problem in the country. In August 2008, a group of self-proclaimed Greek neo-Nazi students posted a video online of a man urinating on a Holocaust memorial on the island of Rhodes, with comments complaining about Jews. Until 2006, when approval for construction was granted, Athens had been the only European Union capital without a functioning mosque built for the purpose of worship. Academic freedom is not restricted in Greece.

The constitution allows for freedom of association, but there are limits on the freedom of groups representing ethnic minorities. International and local nongovernmental organizations (NGOs) generally operate without interference from the authorities. In some cases, domestic human rights groups receive government fund-

ing and assistance. Throughout 2008, NGOs and the media reported on police corruption more frequently compared to the previous year. The right to freedom of assembly is guaranteed by the constitution and generally protected by the government.

The constitution and laws provide workers with the right to join and form unions. Massive strikes by civil servants in March 2008 caused serious disruptions to public transportation and closed down schools and other public offices.

The judiciary is independent, and the constitution provides for public trials. Parliament in 2008 discussed a bill on the early voluntary retirement of judges to encourage greater turnover and reduce corruption, among other factors. The bill also provided clearer procedures for removing judges who are deemed incompetent. Under the Greek constitution, judges are appointed for life, with a mandatory retirement age of either 65 or 67, depending on their position. Human rights groups have raised concerns about the ill-treatment of asylum seekers by law enforcement officials, and prison overcrowding remains a problem. In November 2008, the Associated Press reported that more than half of the inmates in 21 out of the country's 24 prisons were on a hunger strike to protest overcrowding and other poor conditions.

Despite government efforts to combat it, racial intolerance is still pervasive in society and is often expressed by public figures. The government does not officially recognize the existence of any non-Muslim ethnic minority groups, particularly Slavophones. Macedonian is not recognized as a language, and using the terms *Turkos* or *Tourkikos* ("Turk" and "Turkish," respectively) in the title of an association is illegal and may lead to persecution. The Romany community continues to face considerable discrimination and a general denial of justice.

Immigrants are disproportionately affected by institutional problems in the judicial system. Bureaucratic delays force many into a semilegal status when they are not able to renew their documents, putting them in jeopardy of deportation. There were a number of cases of abusive treatment of immigrants in 2008. In one case reported in July, undocumented immigrants were held in unsanitary conditions on the island of Lesbos. In another, 140 war refugees from Afghanistan, Somalia, and the Palestinian territories were abandoned and forced to live on the streets on the island of Patmos. In September, the Council of Europe's Committee for the Prevention of Torture made an ad hoc visit to Greece, the second of its kind since the regular visit in September 2005. The main focus was to view the conditions of those detained by law enforcement agencies, especially irregular immigrants held by police or border guards.

Women lack specific legislation to deal with domestic violence and face discrimination in the workplace. Following the 2007 elections, women held roughly one in six seats in Parliament. Trafficking in women and children for prostitution remains a problem, but the government has attempted to address the issue in recent years. The U.S. State Department ranked Greece as a Tier 2 country in its 2008 Trafficking in Persons Report, noting that international NGOs continued to express concern about its practice of forcing victims to testify against their traffickers before they can receive protection.

## Grenada

**Population:** 100,000  
**Capital:** St. George's

**Political Rights:** 1  
**Civil Liberties:** 2  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F

### Overview:

In July 2008, Tillman Thomas of the National Democratic Congress (NDC) was sworn in as prime minister following an upset electoral victory over the long-serving incumbent, Keith Mitchell of the New National Party (NNP). The NDC captured 11 seats in the 15-member House of Representatives, whereas the NNP was left with only 4. Meanwhile, leaders stepped up efforts to manage the country's external debt and to counter money laundering.

Grenada gained independence from Britain in 1974. Maurice Bishop's Marxist New Jewel Movement seized power in 1979, creating a People's Revolutionary Government (PRG). In 1983, Bishop was murdered by New Jewel hard-liners Bernard Coard and Hudson Austin, who took control of the country. However, a joint U.S.-Caribbean military intervention quickly removed the PRG and set the country on a path toward new elections. In 1986, Coard and 18 others were sentenced to death; subsequently, 2 of the 19 were pardoned, and the rest—who became known as the Grenada 17—had their sentences commuted to life imprisonment. In December 2006, an additional 4 of the 17 were released. The London-based Privy Council ruled in February 2007 that the same findings that had invalidated the death sentences also rendered the life sentences unconstitutional. The 13 remaining inmates received reduced sentences in June 2007; 3 were released immediately, and the other 10, re-sentenced to 40 years in prison, would become eligible for release by the turn of the decade.

Prime Minister Keith Mitchell of the New National Party (NNP) ruled Grenada from 1995 to 2008, when his party lost parliamentary elections to the opposition National Democratic Congress (NDC). Tillman Thomas, the NDC leader, was sworn in as prime minister in July. The NDC captured 11 seats in the 15-member House of Representatives, leaving the NNP with just 4. Thomas named a 17-member cabinet and established a special debt management unit to help deal with the country's external debt. Grenada also moved quickly to establish measures against money laundering in an effort to avoid being blacklisted by the Paris-based Financial Action Task Force.

In 2004, Grenada was struck by Hurricane Ivan, which caused nearly US\$900



million in damage, more than twice the country's annual gross domestic product. By 2008, the recovery process had made great strides, but the global economic downturn threatened to plunge the island back into economic crisis after several years of strong growth.

### **Political Rights and Civil Liberties:**

Grenada is an electoral democracy. The 2008 parliamentary elections were considered generally free and fair, although there were allegations of voter-list manipulation. The bicameral Parliament consists of the directly elected, 15-seat House of Representatives, whose members serve five-year terms, and the 13-seat Senate, to which the prime minister appoints 10 members and the opposition leader names 3. The prime minister is typically the leader of the majority party in the House of Representatives and is appointed by the governor-general, who represents the British monarch as head of state. Grenada's main political parties are the NDC, the NNP, the Grenada United Labor Party (GULP), and the People's Labor Movement (PLM).

Corruption remains a contentious political issue in Grenada, and the country compares unfavorably with several of its neighbors. Grenada was ranked 79 out of 180 countries surveyed in Transparency International's 2007 Corruption Perceptions Index. It was not ranked in the 2008 index due to lack of data.

The right to free expression is generally respected. The media, including three weekly newspapers and several other publications, are independent and freely criticize the government. A private corporation, with a minority stake owned by the government, operates the principal radio and television stations. There are also nine privately owned radio stations, one privately owned television station, and a privately owned cable company. Media advocacy groups criticized the NNP government in 2008 for efforts to smear critical journalists and for expelling a Jamaican journalist, which officials later admitted was inappropriate. In December 2008, Prime Minister Thomas pledged to introduce a Freedom of Information Act to ensure greater government transparency. Access to the internet is unrestricted.

Citizens of Grenada generally enjoy the free exercise of religious beliefs, and there are no official restrictions on academic freedom.

Constitutional guarantees regarding freedoms of assembly and association are respected. Grenada has a robust civil society that participates actively in domestic and international discussions, although limited resources hamper its effectiveness. In 2008, nongovernmental organizations such as press watchdogs, church groups, and civic action organizations, operated freely and played an important role in promoting political debate.

Workers have the right to organize and bargain collectively. Independent labor unions represent an estimated 20 to 25 percent of the workforce. All unions belong to the Grenada Trades Union Council (GTUC). A 1993 law allowed the government to establish tribunals to make "binding and final" rulings when a labor dispute is considered to be of vital interest to the state; the GTUC claimed that the law was an infringement on the right to strike.

The authority of Grenada's independent and prestigious judiciary is generally respected by the Royal Grenada Police Force. There are no military courts. In 1991, Grenada rejoined the Organization of Eastern Caribbean States court system, with the right of appeal to the Privy Council in London. Grenada is a charter member of

Caribbean Court of Justice, which was inaugurated in Trinidad and Tobago in 2005, but the country still relies on the Privy Council as its final court of appeal. Detainees and defendants are guaranteed a range of legal rights, which the government respects in practice. However, a lack of judges and facilities has led to a backlog of six months to one year for cases involving serious offenses. In addition, the highly publicized case of the Grenada 13 has been repeatedly criticized due to perceived political manipulation by the government. Amnesty International classified the 13 as political prisoners, and 10 of them remain in prison.

There was no marked increase in violence in 2008, but crime remained a concern. Grenada's prison conditions, though poor, meet minimum international standards, and the government allows visits by human rights monitors. Flogging is still legal but employed rarely, primarily as a punishment for sex crimes and theft. In June 2006, the government opened a military-style camp for juveniles convicted of minor offenses.

While Grenada has few significant problems involving discrimination against minorities, some incidents involving the mistreatment of homosexuals have been reported. Women are represented in the government, including both houses of parliament and the cabinet. Women generally earn less than men for equal work. Domestic violence against women is common, and most instances of abuse go unreported or are settled out of court.

## Guatemala

**Population:** 13,700,000

**Capital:** Guatemala City

**Political Rights:** 3

**Civil Liberties:** 4

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	3,4PF	3,4PF	4,4PF	4,4PF	4,4PF	4,4PF	3,4PF	3,4PF	3,4PF

### Overview:

In September 2008, spy equipment was discovered in the presidential and vice presidential offices, as well as in the president's residence. The scandal, which suggested the complicity of top security officials in President Alvaro Colom's administration, was symptomatic of security failures on a national level. Also in 2008, violent crime continued unabated, and environmental and human rights activists, as well as union leaders and journalists, suffered threats and attacks.

The Republic of Guatemala, which was established in 1839, has endured a history of dictatorship, foreign intervention, coups, and guerrilla insurgencies. Civilian rule followed the 1985 elections, and a 36-year civil war, which claimed the lives of

more than 200,000 people, ended with a 1996 peace agreement. The accord led to the demobilization of the Guatemalan National Revolutionary Unity (URNG) guerrillas and their legalization as a political group. A truth commission mandated by the peace agreement began receiving complaints of rights violations committed during the conflict. However, voters in 1999 rejected a package of constitutional amendments that had been approved by Congress a year earlier and prepared in accordance with the peace plan. The general consensus was that the government had failed to implement substantive reforms addressing social and economic inequalities, including ending military impunity, fully recognizing the rights of the Maya Indians, and reforming taxation to pay for health, education, and housing programs for the poor.

In 2003, the Constitutional Court ruled that retired general Efraín Ríos Montt—who employed brutal tactics against the URNG during his 18 months as ruler of Guatemala in 1982 and 1983—could run for the presidency. Before the decision, the Guatemalan Republican Front (FRG) party mustered armed supporters to intimidate the court's justices and critics. Ríos Montt was later chosen as the FRG's candidate. In the first round of the presidential election, Oscar Berger of the Grand National Alliance (GANA), a former mayor of Guatemala City, received 34 percent of the vote. Alvaro Colom of the National Unity for Hope (UNE) obtained 26 percent, and Ríos Montt came in third with 19 percent. In the runoff, Berger won with 54 percent of the vote.

The 2007 general elections were the bloodiest in Guatemala's recent history, with more than 50 candidates, activists, and their relatives slain during the campaign period. Electoral violence was fueled by the drug trade, gang activity, and armed groups including rogue soldiers and paramilitary forces; some of the killings were not overtly political, forming part of the country's broader pattern of violent crime. The September vote was nevertheless regarded by international observers as largely free and fair. The UNE party captured 51 seats in Congress, followed by 37 seats for outgoing President Berger's GANA party, and 29 seats for Pérez Molina's Patriot Party. The FRG showed the most significant loss of power in 2007, losing 65 percent of its congressional base to win only 14 seats. Ríos Montt won a seat in the congressional elections, giving him immunity from prosecution; a Spanish court in 2006 had issued arrest warrants for eight former military leaders, including Ríos Montt, for crimes against humanity. Colom of the UNE defeated former general Otto Pérez Molina of the Patriot Party in a presidential runoff vote, capturing 53 percent of the ballots amid a turnout of 45 percent.

During Colom's first year in office, he oversaw the dismissal or resignation of much of his cabinet and other senior officials due to scandal, corruption, or ineffectiveness. A scandal involving the transfer of \$10.9 million in congressional funds to a stockbroker forced Congress president Eduardo Meyer, a close ally of Colom, to step down. Opposition leader Otto Pérez Molina was among a number of others implicated in the affair. The attorney general's office also ordered an investigation into an alleged payment of \$40,000 received by Meyer's predecessor, Rubén Darío Morales, in 2007.

The most serious threat to Colom's ability to govern came in September 2008, when cameras, voice recorders, and other spy equipment were found in the presidential and vice presidential offices, as well as in Colom's residence. The discovery led to the resignations of Carlos Quintanilla, the head of the presidential security unit; Gustavo Solano, secretary for presidential strategic affairs; and Ricardo Valdez,

the vice president's chief of personal security. Arrest warrants were later issued for Quintanilla and Solano on charges of espionage; Quintanilla surrendered to authorities on December 22.

The presidential security breach was indicative of greater security failures on a national level. Colom had promised to fight rampant violence and organized crime in Guatemala, but many critics questioned his plans to double the size of the army to 30,000 members over 25 years. While the 1996 peace accord called for a reduction in the size of the military, Colom's administration argued that previous administrations had gone too far. Colom also called in the army in September to take control of the presidential palace while the executive branch's discredited security entities were restructured.

Meanwhile, the security establishment continued to suffer from the fallout of the February 2007 murder of three Salvadoran congressmen by Guatemalan police officers. The perpetrators, who had quickly confessed, were killed in custody four days later. The police blamed the killings on prison riots, while inmates claimed to have seen men in military clothing execute the four officers, exacerbating concerns about death squads within the security forces and links between government officials and organized crime. Guatemala's interior minister, the national police chief, and the head of the prison system resigned in March of that year. In April 2008, the government said it would not renew the contract of security adviser Victor Rivera, who had led the investigation into the murders. He had allegedly become too powerful and was reportedly investigating cases without the knowledge of the Interior Ministry. A week after his dismissal, Rivera was assassinated. A former congressman and mayor of Jutiapa, Manuel de Jesus Castillo, was arrested in connection with the original murders in August 2008.

Although criminal violence continued unabated in 2008, Guatemala made important steps toward ending impunity for crimes committed during the country's 36-year civil war. In February, Colom opened military archives to the public, and in March, the country's first-ever trial for enforced disappearances began against former paramilitary Felipe Cusanero, who was accused of participating in the disappearance of six civilians between 1982 and 1984. Separately, the Spanish National Court in May began hearing a second round of testimony from Mayan survivors of alleged acts of genocide dating to Guatemala's civil war. Six former Guatemalan officials, including former presidents Rios Montt and Oscar Humberto Mejia Victores, faced charges of genocide in the Spanish court, and although the Guatemalan Constitutional Court had blocked Spain's request to extradite the leaders in 2007, the court decided to continue its investigations.

Guatemala continues to struggle with growing poverty, which was exacerbated in 2008 by rising food prices. According to the UN World Food Program, the problem pushed an additional half a million Guatemalans into poverty during the year. Roughly 80 percent of the population lives below the poverty level and does not benefit from social security. The country also continues to rank high on inequality indicators, with some 63 percent of gross domestic product concentrated in the hands of 20 percent of the population. Guatemala is a party to the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA) with the United States, and it also joined Venezuela's Petrocaribe program in July 2008 in order to receive preferential rates on oil imports.

### Political Rights and Civil Liberties:

Guatemala is an electoral democracy. Though the campaign period was marred by intimidation and violence, the 2007 presidential and legislative elections were regarded by international observers as generally free and fair. The constitution stipulates a four-year presidential term and prohibits reelection. The unicameral Congress of the Republic, consisting of 158 members, is elected for four years. Elections take place within a highly fragmented and fluid multiparty system. Two notable traditional parties are the FRG and the National Advancement Party (PAN). Other parties include the URNG, formerly a guerrilla movement, and the UNE, led by current president Alvaro Colom. The GANA coalition, which had supported former president Oscar Berger, included the Patriot Party, the National Solidarity Party (PSN), and the Reformist Movement (MR) party. In 2008, divisions within GANA caused it to split into two factions. GANA now holds 24 seats in Congress, while the UNE holds 50 and the Patriot Party has 26.

Efforts to promote transparency and combat corruption have made some progress. Since 2004, Guatemalan government entities have been required to use an electronic procurement system called Guatecompras to submit most government purchases of over 900,000 Quetzales to public bidding in an effort to guarantee transparency. The number of government agencies using Guatecompras has increased since the program's implementation, but parallel procurement practices continue to exist in some areas. In October 2008, former president Alfonso Portillo was extradited to Guatemala from Mexico to face charges that he had embezzled \$15.7 million in public funds while in office. Corruption within the police force is particularly pronounced; in 2008, President Colom fired 340 police officials, including five commissioners and other inspectors, for corruption. In September 2008, Congress passed the Law for Free Access to Public Information, which grants citizens access to public information, including information about budgets and salaries, and promotes government transparency. In line with the passage of this law, the government has taken steps towards creating an institutional framework for transparency, including a fact-finding mission to Mexico's Federal Institute of Access to Public Information, the creation of a Viceministry of Fiscal Transparency and Evaluation, and a Public Information Unit responsible for handling requests for public records. Guatemala's transparency law was slated to go into effect in April 2009, and it remains to be seen if government institutions will have the capacity to assure its proper implementation. Guatemala was ranked 96 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While freedom of speech is protected by the constitution, those who stridently condemn the government or past human rights abuses can face persecution. The press and most broadcast outlets are privately owned. A Mexican businessman, Angel Gonzelez, owns a monopoly of broadcast television networks and has significant holdings in radio. Newspaper ownership is concentrated in the hands of moderate business elites, and most papers have centrist or conservative editorial views. According to a 2008 poll conducted by the civil society group Cerigua, reporters expressed fear to cover stories related to drug trafficking, corruption and organized crime. At least two journalists were murdered in 2008, and a third, Hugo Arce, was found shot dead in January, though suicide was not ruled out. The editor and a journalist of the daily *El Periodico* were abducted and assaulted in two separate

incidents in August. In October, a judge sentenced two men and a woman for the kidnapping of *El Periodico* editor Jose Ruben Zamora, although the defendants maintain their innocence, and Zamora's colleagues suspect that the true kidnappers remain at large. Several other reporters received death threats throughout the year. The government does not restrict internet access.

The constitution guarantees religious freedom. However, members of indigenous communities have faced discrimination for the open practice of their Mayan religion. The government does not interfere with academic freedom, but scholars have received death threats for raising questions about past human rights abuses or continuing injustices. In July 2008, three members of the Guatemalan Forensic Anthropology Foundation (FAFG) and their families received death threats, including the foundation's deputy director Jose Suasnavar. The FAFG has been active in investigating mass killings committed during Guatemala's armed conflict.

Freedom of assembly is guaranteed and generally respected in practice. However, police often use force to break up demonstrations, resulting in the injury and death of some protesters. The government suspended freedom of assembly three times in 2008 during states of emergency: in May, to end a roadblock surrounding Guatemala City; in June, to end protests over the construction of a cement factory in San Juan Sacatepequez; and in October, to end a clash between street vendors and police in Coatepeque.

While the constitution guarantees freedom of association, human rights groups are the targets of frequent death threats and acts of violence. Labor, human rights, and environmental activists continued to receive threats or were attacked in 2008, and even international agencies faced intimidation and office burglaries. The brother of prominent human rights activist Helen Mack was seriously wounded by gunmen in July 2008.

Trade unions are subject to intimidation, physical attacks, and assassinations, particularly in rural areas during land disputes. Workers are frequently denied the right to organize and face mass firings and blacklisting, especially in export-processing zones, where the majority of workers are women. Violence against union leaders increased in 2008, and four were murdered during the year. Countless other union members have been threatened or attacked, and union activists' family members were targeted for rape and murder. In April 2008, the U.S.-based AFL-CIO labor federation, along with six Guatemalan unions, filed a complaint with the U.S. Labor Department for violations of the labor provisions of DR-CAFTA, citing Guatemala's failure to protect unionists.

The judiciary is plagued by corruption, inefficiency, capacity shortages, and violent intimidation of judges, prosecutors, and witnesses. The Judicial Disciplinary Unit of the Supreme Court investigated 914 complaints against judges and other judicial workers in 2008, resulting in 398 hearings through the month of September. According to the U.S. State Department's human rights report, there were 129 cases of threats against judicial-sector workers reported in 2008, compared with 125 in 2007 and 71 in 2006. Between January and September 2008, eight public officials who were either working on or had information about high-impact judicial cases were murdered.

The ineffectiveness of the judiciary restricts constitutionally guaranteed procedural rights in practice. Pretrial detention is legally limited to three months, but in-

mates often spend years in jail before trial. In 2007, the government introduced 24-hour courts in Guatemala City in an attempt to increase the effectiveness and efficiency of the judicial system. These courts were replicated in selected additional departments in 2008. Prison conditions are harsh, and the facilities are rife with gang- and drug-related violence and corruption. The indigenous population continues to be shut out of the national justice system. Although Guatemalan law mandates for the provision of indigenous language translators in courtrooms across the country, a lack of funding has prevented this law from being properly implemented. In 2008, the Public Ministry employed 18 indigenous language interpreters, in addition to 15 bilingual public defenders; these numbers are inadequate, given Guatemala's large indigenous population, with 23 indigenous languages spoken throughout the country.

The International Commission against Impunity in Guatemala (CICIG), jointly proposed by the United Nations and Guatemala's government, was created by Congress in August 2007 and tasked with examining the extent of corruption, violence, and organized crime within public institutions, political parties, and civil society. The CICIG received 64 complaints through September 2008 and was investigating 15 cases at year's end. The Commission reported some difficulties working with the Office of the Public Prosecutor that impeded its progress in 2008. The mandate of the CICIG was initially set to expire in September 2009, but on April 22, 2009, the United Nations and the government of Guatemala reached an agreement to extend its mandate until September 2011.

Police regularly employ lethal force, in many instances without justification. Police have also been accused of torturing detainees, extortion and kidnapping for ransom, and extrajudicial killings of suspected gang members. In 2008, the National Civilian Police investigated 32 accusations of killings by police personnel, involving 185 agents. In July, two police officers were charged with the June extrajudicial killings of the son and former husband of Edilma Navarijo, mayor of Ocos, San Marcos. In November, police chief Dionisio Balam and two additional officers were sentenced to 30 years each for their involvement in the September extrajudicial killings of five alleged gang members in Guatemala City. Several police officers were also charged in 2008 in connection with narcotics trafficking. The government's use of the military to maintain internal security remains controversial, since the 1996 peace accords placed limits on the practice.

Guatemala continues to be one of the most violent countries in Latin America, and murder rates are highest in areas associated with drug trafficking and gang activity. In 2008, Guatemala experienced its most violent year in recent history, with 6,292 homicide victims, 11 percent of whom were women. Violence related to drug trafficking and drug cartels has spilled over the northern border into Guatemala from Mexico, and fighting between drug gangs has become more common in Guatemala as traffickers battle over territory. At least three major clashes left dozens of civilians dead in 2008, including a drug gang shootout in March in the department of Zacapa, which left 11 people dead; a dispute over a cocaine shipment in Zacapa in November which resulted in 16 victims being incinerated in a bus; and a violent clash between Mexican and Guatemalan drug gangs along the border in the department of Huehuetenango where at least 17 people were reported dead. Meanwhile, the continued practice of lynching, mutilation, torture, and political assassinations—carried out by plainclothes security forces, angered mobs, gangs, and other groups—

has shocked the country. The rise in violence has been exacerbated by the proliferation of arms, continued economic ills, and weak criminal justice institutions. It is estimated that only 7 percent of murder cases result in a conviction.

Infant mortality rates among the Maya are some of the highest in the Western Hemisphere, and indigenous communities experience higher levels of poverty than the country as a whole. Indigenous women are particularly marginalized, and more than half of indigenous women over the age of 15 are illiterate. Discrimination against the Mayan community continues to be a major concern. The government in recent years has approved the eviction of indigenous groups from areas of development, particularly where there are mining and hydroelectric projects.

Sexual harassment in the workplace is not penalized. Young women who migrate to the capital for work are especially vulnerable to harassment and inhumane labor conditions, and women overall earn 60 percent of what men in the same jobs earn. Violence against women and children is widespread. Street children and women, especially those believed to be engaged in prostitution, are the most common victims of murder. Guatemalan women and children are drawn into prostitution both locally and in neighboring countries. In April 2008, Congress passed a law against femicide, the murder of a woman for gender-related reasons, which now carries a penalty of between 25 and 50 years in prison; the law similarly recognized and increased penalties for a range of other crimes against women. Transgender women and gay men also continue to be targets of violent attacks.

Guatemala has the highest rate of child labor in the Americas, with one-third of school-aged children forced to work on farms or in factories. As much as 20 percent of the workforce consists of children. Guatemala is a source, transit point, and destination country for women and children trafficked for purposes of sexual and labor exploitation. In 2008, Guatemala remained on the Tier 2 Watch List in the U.S. State Department's Trafficking in Persons Report, due to the government's failure to comply with minimum international standards to eliminate trafficking.



## Guinea

**Population:** 10,300,000

**Capital:** Conakry

**Political Rights:** 7\*

**Civil Liberties:** 5

**Status:** Not Free



**Ratings Change:** Guinea's political rights rating declined from 6 to 7 due to a military coup in December 2008 and mounting concerns that international drug cartels were gaining influence within the government and military.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	7,5NF

### Overview:

In May 2008, President Lansana Conte unilaterally dismissed Lansana Kouyate, the prime minister he had appointed as part of a landmark agreement with trade unions and civil society groups in 2007. A faction of the army mutinied later that month, and security forces brutally suppressed a police mutiny in June as well as sporadic antigovernment demonstrations by civilians. Hopes for a peaceful political transition were further dampened in October, when officials announced that long-delayed legislative elections would not take place before the end of the year. The ailing president died in December, and junior officers quickly mounted a successful military coup, promising to hold elections in two years. Also during 2008, international analysts warned that Guinea was becoming a significant transit point for illegal narcotics trafficking.

Guinea declared independence from France in 1958, and Paris imposed an unofficial but devastating economic boycott when the country refused to maintain close bilateral ties. Guinean president Ahmed Sekou Toure's one-party rule became highly repressive, and the country grew increasingly impoverished under his Soviet-style economic policies. In 1984, after Sekou Toure died while receiving medical treatment overseas, a military junta led by Lieutenant Colonel Lansana Conte seized power in a bloodless coup. The junta abolished all political parties and the constitution, and began a program of economic liberalization.

A new constitution was adopted in 1990. Conte won the country's first multi-party presidential elections in 1993 with just over 51 percent of the vote, but international observers said the polls were deeply flawed. Presidential, legislative, and municipal elections over the next 12 years were similarly marred by state patronage, media bias, broad manipulation of the electoral process, and opposition boycotts; all resulted in lopsided victories for Conte and the ruling Party for Unity and Progress (PUP). This period was punctuated by a 1996 army mutiny and large-scale border

attacks in 2000 by rebels from Sierra Leone and Liberia, with reported participation by some Guinean fighters.

In early 2007, a general strike to protest corruption, the cost of basic goods, and inadequate government services grew into nationwide antigovernment demonstrations. They were sparked in part by Conte's personal intervention to free a close associate charged with corruption. Security forces opened fire on demonstrators, killing at least 130. The president agreed under pressure to vest some executive powers in a new prime minister—the position had been vacant since April 2006. However, when a Conte ally was named to the post in February 2007, the protests resumed and spiraled into a near-revolt of unprecedented scale. Martial law was declared in mid-February. With mediation by the Economic Community of West African States (ECOWAS), union leaders agreed in late February to suspend the strike, while Conte pledged to control inflation, organize legislative elections, and name a "consensus" prime minister backed by unions and civil society. Conte tapped Lansana Kouyate, an experienced diplomat, and the choice was greeted with optimism within Guinea and abroad. However, Kouyate quickly lost public support as his reform plan was stymied by structural challenges, back-room opposition from the president and his associates, and perceptions that he was pursuing his own political agenda.

On May 20, 2008, Conte dismissed Kouyate by decree, appointing an ally, Ahmed Tidiane Souare, to replace him. Souare promised to continue Kouyate's reform agenda and appointed several opposition members to his cabinet. Nevertheless, Kouyate's dismissal dampened hopes for substantial political change. In late May 2008, a faction of the military led by dissident junior officers rioted in Conakry and several other urban centers, shooting in the air, looting shops, and taking a high-ranking military official hostage. The mutiny ended after Conte agreed to pay salary arrears, fire the defense minister, lower the subsidized price of rice for troops, and release soldiers held in connection with the 2007 crackdown on demonstrators. In early June, police officers in the capital engaged in a similar uprising, which was violently suppressed by the military. Throughout 2008, Conakry residents engaged in sporadic protests over high fuel prices and chronic shortages of electricity and water. Several of the demonstrations were dispersed by security forces firing live ammunition into crowds.

On December 23, 2008, Conte's death was announced on national television and radio, and a group of junior and mid-ranking military officers calling themselves the National Council for Democracy and Development (CNDD) announced they had taken power in a coup. The following day, the CNDD spokesman, Captain Moussa Dadis Camara, was named president. The CNDD suspended political and trade union activity, replaced regional administrators with military governors, ordered over 20 senior generals into retirement, and promised to crack down on corruption and drug trafficking. The junta also announced elections would be held within two years, and named the civilian economist Kabine Komara as prime minister. Concerns remained, however, that the military was tightening its grip on power, and that divisions within the military hierarchy could spark future instability.

Guinea is rich in mineral deposits and fertile soil, but the economy has long been hamstrung by corruption, mismanagement, and political instability. In 2007, foreign donors pledged over \$400 million in antipoverty assistance, in part due to economic reform efforts under Kouyate. However, high oil and food prices in 2008 threatened Guinea's economic growth and stability. In addition, international analysts and the

UN Office on Drugs and Crime (UNODC) warned that the country was becoming a significant transit point for illegal drug trafficking between Latin America and Europe, and that drug cartels were gaining influence within the government and military.

**Political Rights and Civil Liberties:** Guinea is not an electoral democracy. The December 2008 military coup suspended all civilian government institutions and the constitution. Previous elections under President Lansana Conte were deeply flawed. While the military junta, known as the CNDD, promised elections within two years, the organization and degree of independence of electoral institutions were unclear at year's end.

Prior to the coup, Conte's Party for Unity and Progress (PUP) controlled much of the government as well as substantial patronage networks in the military and civil bureaucracy.

There are several opposition parties, but only the Union for Progress and Renewal (UPR) was represented in the parliament after the 2002 elections. All political activity was suspended after the coup, though political parties continued to exist and the CNDD consulted with party leaders.

The cabinet and military leadership under Conte included members of all major ethnic groups, though a disproportionate number of the senior military officers reportedly belonged to his Soussou ethnic group. The 33 members of the CNDD were drawn from all major ethnic groups, while Camara is Guinea's first Christian president. However, ethnic factions were said to exist within the CNDD and the military as a whole. Most of the major political parties have clear regional and ethnic bases.

Corruption has been cited as a serious problem by international donors. Audits conducted in 2007 reportedly accused powerful Conte allies of embezzling the equivalent of \$620 million in less than two years, and many government activities are shrouded in secrecy. Guinea was ranked 173 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. In justifying the military takeover in December 2008, the CNDD promised to crack down on corruption.

The government's control over the local press has loosened in recent years, and the country's first private radio stations were allowed to open in 2006. The Conte government nonetheless retained the power to bar communications that allegedly insulted the president or disturbed the peace, and defamation was deemed a criminal offense. Under martial law in February 2007, security forces raided two radio stations and arrested a number of journalists in apparent retaliation for critical programming. Several newspapers were banned for short periods in 2008 in connection with their political coverage, while in May 2008 officials reportedly harassed journalists working for the private radio station Nostalgie. Internet access is unrestricted, but exists solely in urban areas.

Constitutionally protected religious rights were respected in practice. Academic freedom was generally respected, but the government influenced hiring and curriculum content.

The Conte government restricted freedoms of association and assembly, and the law allowed authorities to ban any gathering that "threatens national unity." After the 2008 coup, the CNDD banned all political and union activity; however, union and political party leaders continued to make public statements and met with the CNDD on several occasions. At least one human rights group and many non-

governmental organizations operated openly, both before and after the coup. Under Conte, several labor confederations competed and had the right to bargain collectively. Trade unions demonstrated immense political influence in early 2007 by calling nationwide strikes that led Conte to delegate powers to a consensus prime minister, though the latter was dismissed in May 2008.

Under Conte, the nominally independent courts remained affected by corruption, a lack of resources, nepotism, ethnic bias, and political interference. Informal customary justice mechanisms operated in addition to official courts. Security forces have engaged in arbitrary arrests, torture of detainees, and extrajudicial execution with impunity, and prison conditions are harsh and sometimes life-threatening. During the 2007 crackdown on demonstrations, security forces fired at unarmed protesters, leaving at least 137 people dead and nearly 2,000 wounded, according to Human Rights Watch. An official inquiry into these incidents stalled, reportedly due to government interference, and troops repeatedly fired into crowds during sporadic protests in 2008. The CNDD suspended the judiciary following the 2008 coup.

While the law prohibited ethnic discrimination, the U.S. State Department's 2008 human rights report noted societal discrimination in employment, housing, and marriage patterns. Societal discrimination against women is also common, and while women have access to land, credit, and business, the inheritance laws and the traditional justice system have favored men. Security personnel raped dozens of women while responding to the 2007 demonstrations, according to local activists. Human Rights Watch reported in 2007 that thousands of young girls serving as unpaid domestic workers in Guinea were subject to beatings or rape by their employers. Guinea was a "source, transit point, and destination point" for human trafficking in 2008, according to the U.S. State Department. Advocacy groups are working to eradicate the illegal but nearly ubiquitous practice of female genital mutilation.

## Guinea-Bissau

**Population:** 1,700,000

**Capital:** Bissau

**Political Rights:** 4

**Civil Liberties:** 4

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,5PF	4,5PF	4,5PF	4,5PF	6,4PF	4,4PF	3,4PF	4,4PF	4,4PF	4,4PF

### Overview:

President Joao Bernardo Vieira in August 2008 dissolved the National Assembly, whose mandate had expired in April, after the Supreme Court ruled that an extension until

**the November legislative elections would be unconstitutional. Days later, navy commander Americo Bubo Na Tchuto was arrested and accused of plotting a coup. The elections were held on November 16, and were judged free and fair by international observers; the opposition African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) won a large majority. Also during the year, Guinea-Bissau's fragile military and civilian institutions continued to suffer from the growing influence of international drug cartels.**

Guinea-Bissau won independence from Portugal in 1973, after a 12-year guerrilla war. The African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) held power for the next 18 years. Luis Cabral became president in 1974 and made former guerrilla commander Joao Bernardo Vieira his prime minister; however, Vieira toppled Cabral in 1980. Constitutional revisions in 1991 ended one-party rule. Vieira won the country's first free and fair presidential election in 1994, but he later came to be seen as the leader of a corrupt ruling class.

An army mutiny broke out in 1998 after Vieira fired General Ansumane Mane, accusing him of smuggling arms to separatist rebels in Senegal's Casamance region. Senegal and Guinea sent about 3,000 troops to support Vieira, but a military junta led by Mane overthrew him in May 1999. Following a brief transitional period, the populist Kumba Yala of the Social Renewal Party (PRS) was elected president in early 2000. Fighting broke out that year between military supporters of Yala and Mane after the latter declared himself head of the armed forces; Mane was subsequently killed. In 2002, Yala dissolved the parliament, declined to promulgate a constitution approved in 2001, and governed by decree. Following a military coup in 2003, a transitional administration was established to oversee a pledged return to elected government.

The PAIGC won 45 of 100 seats in 2004 legislative elections that were considered free and fair by international observers, followed by the PRS with 35 seats, and the United Social Democratic Party (PUSD) with 17 seats; smaller parties captured the remainder.

During the campaign for presidential elections held in July 2005, Yala demanded that he be reinstated as president, and his supporters briefly occupied the presidential palace. While both Yala and Vieira had been barred from running, the Supreme Court cleared the way for their candidacies. Malam Bacai Sanha, a former interim president running for the PAIGC, led the first round of voting with 36 percent, followed by Vieira (who ran as an independent) with 29 percent, and Yala with 25 percent. The electoral commission said there had been some voting irregularities, but the Supreme Court judged the poll free and fair. Vieira won the runoff against Sanha with 52.4 percent, having gained Yala's support.

Vieira dismissed the prime minister by decree in October 2005 and appointed a supporter, Aristides Gomes, to replace him in November. The move left the PAIGC, the largest party in the legislature, excluded from the cabinet. However, the PAIGC, PRS, and PUSD agreed to form a consensus government in March 2007, and Gomes later resigned after losing a confidence vote. The new coalition successfully installed Martinho N'Dafa Cabi as prime minister in April.

Legislative elections scheduled for March 2008 were postponed due to insufficient funds. In July 2008, the PAIGC withdrew from the government, accusing Cabi of sacking a number of officials without consultation. Vieira dissolved the National

Assembly in August after the Supreme Court ruled that its mandate, which expired in April, could not be extended to the new election date in November. The president named a close ally, Carlos Correia, to serve as interim prime minister until the elections. Also in August, navy commander Americo Bubo Na Tchuto was detained on the orders of the army chief of staff, General Batista Tagme Na Wai, who accused him of plotting a coup. Na Tchuto escaped to The Gambia, where he was arrested and reportedly applied for political asylum. The legislative elections were held on November 16, and were judged free and fair by international observers. The PAIGC won a landslide victory, 67 seats out of 100, in what was widely seen as a rebuke to Vieira; PAIGC leader Carlos Gomes Junior became prime minister. The PRS won 28 seats, while a newly created party allied to Vieira, the Republican Party for Independence and Development (PRJD), won 3 seats; two minor parties captured one seat each. A week later, shots were fired at the president's residence in Bissau. Vieira said the presidential guard had foiled a coup attempt led by a nephew of Kumba Yala, but the motivation of the attack remained unclear.

Guinea-Bissau, one of the world's poorest countries, received an initial grant of \$6 million from the UN Peacebuilding Commission in April 2008. The funds were aimed at supporting security-sector reform, youth vocational training, and electoral preparations. The country also benefited during the year from International Monetary Fund (IMF) Emergency Post-Conflict Assistance and World Bank financing. Foreign investment appeared set to increase as the European Union entered into a four-year fisheries partnership, and Angola unveiled a \$500 million bauxite mining project in the country.

### Political Rights and Civil Liberties:

Guinea-Bissau is an electoral democracy. The 100 members of the unicameral National People's Assembly are elected by popular vote to serve four-year terms. The president is elected for a five-year term; there are no term limits. A national electoral commission oversaw the 2005 presidential election, which international monitors agreed was free and fair. Observers lauded the 2008 legislative elections, in which the opposition PAIGC won a large majority.

President Joao Bernardo Vieira was elected in 2005 as an independent candidate but benefited from the support of the PRS and PUSD. A new party, the Republican Party of Independence and Development (PRID), was formed in March 2008 by former prime minister Aristides Gomes, a onetime PAIGC member who later backed Vieira. Over 20 parties contested the November 2008 legislative elections, though only 5 captured seats; the largest party in the legislature is the opposition PAIGC.

Guinea-Bissau ranked 158 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. In recent years, widespread corruption has reportedly helped international drug cartels infiltrate the military, the civilian administration, and the judiciary.

The law provides for freedom of the press, but journalists occasionally practice self-censorship and face some harassment. There are a number of private and community radio stations. Several private newspapers publish sporadically, largely due to financial constraints. Internet access is unrestricted. In 2007, a local reporter faced charges and another fled the country after receiving death threats, both for reporting on alleged official involvement in the drug trade.

Religious freedom is legally protected and usually respected in practice. Academic freedom is similarly guaranteed and upheld.

The rights to assembly and association are protected by law and generally respected by the authorities. Nongovernmental organizations operate openly. However, security forces have occasionally suppressed public demonstrations; in January 2007, security personnel reportedly killed at least one demonstrator during riots sparked by the assassination of a former navy chief. Workers are legally allowed to form and join independent trade unions. However, since most residents work in subsistence agriculture, only a small percentage are in the wage-earning sector. The law provides for the right to strike, and workers—particularly teachers and civil servants—frequently exercise this right. According to the U.S. State Department, the law does not protect the right to bargain collectively, but the National Council for Social Consultation has in the past conducted collective consultation on salary issues.

Poor training, scant resources, and corruption seriously challenge judicial independence, and traditional law usually prevails in rural areas. In December 2007, the parliament passed an amnesty for perpetrators of political violence between 1980 and 2004, drawing criticism from human rights advocates. Police routinely ignore privacy rights and protections against unreasonable search and seizure. Because Guinea-Bissau lacks formal prisons, most inmates are held in "makeshift detention facilities" on military bases, according to the U.S. State Department. An audit of security forces completed in 2008 revealed that the army has more officers than soldiers, a severe lack of young recruits, and large numbers of aging veterans of the war for independence, the Reuters news agency reported. A restructuring plan backed by international donors aims to reduce the size of the army and overhaul the police and judiciary.

With its poorly funded institutions unable to police the porous coastline, Guinea-Bissau has become a transit point for Latin American drug cartels moving cocaine to Europe. Segments of the government and military are apparently involved in the trade. In a sign of crippling internal divisions in law enforcement, members of an elite police unit broke into the headquarters of the judicial police in April 2008 and murdered a counternarcotics officer who was being held on accusations of killing one of the unit's members. In July, the military reportedly hampered investigations by the judicial police and the United Nations into an aircraft suspected of carrying cocaine. The European Union in 2008 announced plans to train and equip a special police unit to combat the cartels. The UN Office of Drugs and Crime, which has drawn attention to the drug-smuggling problem in Guinea-Bissau, also expressed concerns about infiltration by terrorist groups after two suspected al-Qaeda militants were arrested in the country in January 2008.

Insecurity stemming from ongoing conflict in Senegal's Casamance region has periodically affected Guinea-Bissau. In 2006, the military launched a month-long offensive against Senegalese rebels based in northern Guinea-Bissau, displacing thousands of civilians.

Ethnic identity is an important factor in politics and governance; the military is dominated by the Balanta ethnic group, the country's largest. All major ethnic groups were represented in government at the start of 2008, according to the U.S. State Department.

The prevalence of organized crime groups, including drug-trafficking syndicates, impedes private business activities.

Women face significant traditional and societal discrimination, despite some legal protections. They generally do not receive equal pay for equal work and have fewer opportunities for education and jobs in the small formal sector. Women of certain ethnic groups cannot own or manage land or inherit property. According to a UNICEF study released in May 2008, 27 percent of women in rural areas are involuntarily married before age 18. Domestic violence against women is common, and female genital mutilation, which is not prohibited by law, is widespread.

## Guyana

**Population:** 800,000  
**Capital:** Georgetown

**Political Rights:** 2  
**Civil Liberties:** 3  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	3,3PF	2,3F	2,3F	2,3F

### Overview:

**In 2008, President Bharrat Jagdeo's government was rocked by a series of high-profile crimes that underscored how precarious the country's security situation had become, and relations between the ruling party and the opposition remained tense.**

Guyana gained independence from Britain in 1966 and was ruled by the autocratic, predominantly Afro-Guyanese People's National Congress party (PNC) for the next 26 years. In 1992, Cheddi Jagan of the largely Indo-Guyanese People's Progressive Party (PPP) won the presidency in Guyana's first free and fair elections. He died in 1997, and the office passed to his wife, Janet, who resigned in 1999 for health reasons. She was succeeded by Finance Minister Bharrat Jagdeo of the PPP-C, an alliance of the PPP and the Civic Party. President Jagdeo was elected in his own right in 2001.

Guyanese politics remained split between descendants of indentured workers from India, known as Indo-Guyanese, who make up about half of the population and generally back the PPP-C, and Afro-Guyanese, who compose 36 percent of the population and are descended from African slaves. A rising crime rate and a parliamentary impasse dominated the political scene during Jagdeo's first term. The PPP-C and the main opposition PNC-Reform party (PNC-R) traded bitter words over the issue of payment for opposition members engaged in a boycott of the National Assembly that began in March 2002 and lasted for 14 months.



In 2004, the political climate showed brief signs of improving when the two main parties announced that they had reached agreement on a wide variety of issues, including tax reform, procurement, and the composition of the commissions that controlled appointments, promotions, and discipline in the judiciary, the police, public administration, and public education. Then, however, a police informant revealed the existence of death squads that included serving and former police officials. The groups allegedly enjoyed official sanction and had killed some 64 people. An investigation revealed apparent links to the home affairs minister, Ronald Gajraj, and both the United States and Canada revoked the minister's visas. To protest Gajraj's alleged wrongdoing, the PNC-R boycotted most sessions of the National Assembly for several weeks, including the presentation and debate of the 2004 budget. The breakdown effectively eclipsed the two parties' recent policy accord. Gajraj was largely exonerated by an official inquiry in 2005 that nevertheless criticized his use of a criminal informant who—it was later revealed—was a professional hit man, and his practice of granting firearms licenses to applicants without the required police background checks.

In January 2005, the government declared Georgetown a disaster zone as days of continuous rain led to severe flooding in which more than 30 people were killed, tens of thousands were displaced, and agriculture suffered widespread damage. According to the United Nations, Guyana sustained \$465 million in losses that affected more than a third of the population.

Violence escalated in 2006 ahead of that year's elections. In the spring, Agriculture Minister Satyadeo Sawh was brutally slain by masked gunmen, and four newspaper employees were shot dead on the outskirts of the capital in early August. The National Assembly was dissolved amid acrimony and mudslinging, and the elections were delayed by several weeks as deep conflicts within the seven-member Guyana Elections Commission undermined the credibility of the process. Despite those concerns, the elections unfolded without incident in August, due in part to the heavy presence of international observers.

President Jagdeo handily won another five-year term as his PPP-C received 54 percent of the vote and 36 seats in the 65-member National Assembly. The PNC-R won 34 percent of the vote and 21 seats. A new party, the Alliance for Change (AFC), won 5 seats, and two minor parties, the United Force and the Justice for All Party, each won a single seat. The emergence of the multiracial AFC suggested that the fierce racial divide of Guyanese politics was on the wane. Nevertheless, relations between the government and opposition remained tense. In 2008, opposition leader Robert Corbin of the PNC-R reported receiving death threats after making allegations that linked a powerful drug lord to Jagdeo's government.

A September 2007 ruling by a UN tribunal gave both Guyana and Suriname access to offshore oil deposits that could radically change Guyana's economy. The country is one of the poorest in Latin America and the Caribbean, with a per capita gross domestic product of about US\$1,000. In 2008, the government took measures to protect citizens from the effects of rising food prices, and Guyana was one of the few Caribbean countries poised to benefit economically due to its large agricultural sector.

### **Political Rights and Civil Liberties:**

Guyana is an electoral democracy. The 2001 elections generated a broader consensus about the importance of electoral reform to the democratic process. The 1980 constitu-

tion provides for a strong president and a 65-seat National Assembly, elected every five years. An Assembly Speaker is also elected, and two additional, nonvoting members are appointed by the president. The leader of the party with a plurality of parliamentary seats becomes president for a five-year term, and appoints the prime minister and cabinet.

The 2006 elections strengthened the hand of the ruling PPP-C, but also demonstrated that some Guyanese are beginning to vote across racial lines, as symbolized by the establishment of the multiracial AFC. The main opposition party remains the PNC-R. Other significant political parties or groupings include the Alliance for Guyana, the Guyana Labor Party, the United Force, the Justice for All Party, the Working People's Alliance, and the Guyana Action Party, which enjoys strong support from indigenous communities in the south.

Guyana was ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, the worst ranking in the English-speaking Caribbean. The country is a transshipment point for South American cocaine destined for North America and Europe, and counternarcotics efforts are undermined by corruption that reaches to high levels of the government. The informal economy is driven primarily by drug proceeds and may be equal to between 50 and 60 percent of formal economic activity.

Several independent newspapers operate freely, including the daily *Stabroek News*. In 2007, the government launched an advertising boycott of the paper in retaliation for its critical coverage during the 2006 elections. However, in advance of the Caribbean Media and Communication Conference, held in Georgetown in May, government officials announced an end to the boycott. The state owns and operates the country's sole radio station, which broadcasts on three frequencies. Seventeen privately owned television stations freely criticize the government, although in July 2008, a senior television reporter was banned from covering the prime minister due to his critical reporting. Opposition party leaders complain that they lack access to the state media. There are no government restrictions on the internet.

Guyanese generally enjoy freedom of religion, and the government does not restrict academic freedom.

The government largely respects freedoms of assembly and association in practice. The right to form labor unions is also generally upheld, and unions are well organized. However, employers are not required to recognize unions in former state enterprises that have been sold off by the government. In May 2008, members of the Guyana Trades Union Congress protested the presence of Prime Minister Hinds at a May Day rally, forcing him to leave the event.

The judicial system is independent, but due process is undermined by shortages of staff and funds. In 2005, Guyana cut all ties to the Privy Council in London, the court of last resort for other former British colonies in the region, and adopted the Trinidad-based Caribbean Court of Justice as its highest appellate court. Prisons are overcrowded, and conditions are poor.

The Guyana Defence Force and the national Guyana Police Force are under civilian control. Racial polarization has seriously eroded law enforcement, with many Indo-Guyanese complaining that they are victimized by Afro-Guyanese criminals and ignored by the predominantly Afro-Guyanese police. Meanwhile, many Afro-Guyanese claim that the police are manipulated by the government for its own pur-

poses. Official inquiries have repeatedly pointed to the need for improved investigative techniques, more funding, community-oriented policing, better disciplinary procedures, greater accountability, and a better ethnic balance in the police force, but the government has taken few concrete steps to implement the proposed reforms. In June 2007, Guyanese authorities were shocked to learn that a naturalized U.S. citizen from Guyana and two Guyanese nationals had been arrested for an alleged plot to blow up fuel lines at a New York City airport. In 2008, a series of violent crimes—namely killings in Lusingnan, Bartica, and Lindo Creek that left over 30 dead—raised public concerns about government ineffectiveness. The murder rate grew by 26 percent in 2008.

Guyana is home to nine indigenous groups with a total population of about 80,000. Human rights violations against them, particularly with respect to land and resource use, are widespread and pervasive. Indigenous peoples' attempts to seek redress through the courts have been met with unwarranted delays by the judiciary. Racial clashes have diminished in the last decade. However, long-standing animosity between Afro- and Indo-Guyanese remains a serious concern. A Racial Hostility Bill passed in 2002 increased the penalties for race-based crimes. Guyana's new foreign minister, appointed in April 2008, was the first woman and the first indigenous person to hold that post.

Domestic violence and violence against women in general are widespread. Rape, including spousal rape, is illegal, but it often goes unreported and is infrequently prosecuted. In May 2006, Amnesty International released a study criticizing Guyana's justice system for not prosecuting rapes. It reported that only 9 of 647 cases between 2000 and 2004 ended with convictions. The Guyana Human Rights Association has charged that the legal system's treatment of victims of sexual violence is intentionally humiliating. Sodomy is punishable with a maximum sentence of life in prison. Guyana has the second-highest HIV prevalence rate in Latin America and the Caribbean.

## Haiti

**Population:** 9,100,000  
**Capital:** Port-au-Prince

**Political Rights:** 4  
**Civil Liberties:** 5  
**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	6,5NF	6,6NF	6,6NF	6,6NF	7,6NF	7,6NF	4,5PF	4,5PF	4,5PF

### Overview:

In 2008, Haiti entered a period of turmoil when the parliament forced out Prime Minister Jacques-Edouard Alexis amid rising food prices and then rejected president Rene

**Preval's two initial nominees to replace him. Michele Pierre-Louis was ultimately approved as a compromise candidate in September. In the fall, Haiti was struck by a series of tropical storms and hurricanes that left more than 700 people dead.**

Since gaining independence from France in 1804 following a slave revolt, the Republic of Haiti has endured a history of poverty, violence, instability, and dictatorship. A 1986 military coup ended 29 years of rule by the Duvalier family, and the army held power for most of the next eight years. Under international pressure, the military in 1987 permitted the implementation of a French-style constitution, which remains in place today.

Jean-Bertrand Aristide, a popular former priest, was first elected president in 1990. He was deposed and exiled by a military triumvirate after only eight months in office. While paramilitary thugs terrorized the populace, the ruling junta engaged in blatant narcotics trafficking. The United States and the United Nations imposed a trade and oil embargo, and in 1994, the United Nations authorized a multinational force to restore the legitimate Haitian authorities. In September 1994, facing an imminent U.S. invasion, the military rulers stepped down. U.S. troops took control of the country, and Aristide was reinstated. He dismantled the military before the June 1995 parliamentary elections, but his support began to fracture when international observers questioned the legitimacy of the balloting. Aristide retained the backing of the more radical Lavalas Family (FL) party, but the National Front for Change and Democracy (FNCD), a leftist coalition that had supported him in 1990, claimed fraud and boycotted the runoff elections. The FL won an overwhelming parliamentary majority.

The FL nominated Rene Preval, who had been Aristide's prime minister in 1991, as its next presidential candidate, despite the fact that he was not a party member. In the December 1995 election, Preval won about 89 percent of the vote, with a turnout of less than one-third of eligible voters. He took office in February 1996. The United Nations had planned to withdraw its troops by the end of the month, but the new U.S.-trained Haitian National Police (HNP) lacked the competence to fill the void. The UN force extended its stay at Preval's urging, but cut its presence to 1,300 troops by June; the U.S. combat force had withdrawn two months earlier.

Aristide was voted back into the presidency in November 2000. The election was boycotted by all major opposition parties and held amid widespread civil unrest and voter intimidation. Aristide ran on a populist platform of economic revitalization; opponents claimed that he was bent on establishing a one-party state. His win with nearly 92 percent of the ballots followed similar results in that year's parliamentary elections, which gave his supporters 80 percent of the seats in the lower house and all but one seat in the upper house.

Despite the electoral victory, Aristide's second term as president was undermined by business elites and opposition groups who banded together to oppose him. Furthermore, foreign donors had cut their aid programs in 2000 when a standoff between Aristide and his opponents delayed the elections, and poverty had worsened. An armed revolt, led by a combination of political gangs and former army officers, threatened the president's hold on power in February 2004. The United States and France declined to send peacekeepers in the absence of a political settlement between Aristide and opposition groups, and faced with the possibility of a violent ouster, he was spirited out of the country in a plane chartered by the United States

and deposited in the Central African Republic. He initially protested the circumstances of his departure, but eventually accepted exile in South Africa.

Aristide's sudden resignation was quickly papered over by a constitutional transition that elevated Boniface Alexandre, head of the Supreme Court, to the position of president. Prime Minister Yvon Neptune, an Aristide ally, agreed to remain in office to help the transition process, but was later jailed by the interim government. Political decay continued throughout the rest of the country. In March 2004, a commission of elder statesmen announced that Gerard Latortue, who had been in exile in the United States, would become the country's new prime minister. Meanwhile, the UN peacekeeping force gradually expanded beyond the capital and was renewed with troop contributions from Brazil and other Latin American countries. The force eventually reached 9,000 troops and civilian police, and the United Nations extended its mandate several times.

Following multiple delays due to disorganization and a worsening security environment, Haitian electoral authorities finally held presidential and legislative elections in February 2006, with a second round of parliamentary elections coming in April. Despite initial turbulence when some polling stations opened late, the voting was deemed the cleanest and fairest in Haitian history, and turnout surpassed 50 percent. The elections yielded evidence of both political consensus and continued fragmentation. Former president Preval won a second term with 51 percent of the vote, triumphing over at least 33 other contenders, but his newly organized Lespwa party failed to win a majority in either house of parliament. Lespwa captured just over a third of the Senate seats and a quarter of the seats in the Chamber of Deputies.

The presidential election, which was conducted peacefully, temporarily deteriorated into competing allegations of fraud and massive street demonstrations, with the losing candidates challenging the legitimacy of the result. The fact that 34 candidates chose to vie for the presidency demonstrated the high level of atomization among the country's political classes, though the robust voter support for a single candidate, Preval, showed that the poor were much more united. The newly elected lawmakers embraced an active role in discussing policies, but generated no concrete legislative proposals during the year. In December 2006, municipal elections were successfully held, along with a final round of voting to decide a handful of unresolved parliamentary races. Security improved the following year after UN forces cracked down on gangs in the capital.

Haiti entered a period of turmoil when the parliament forced out Prime Minister Jacques-Edouard Alexis amid rising food prices in April 2008 and then rejected the president's two initial nominees to replace him. Michele Pierre-Louis was finally approved as a compromise candidate in September. Also during the year, the ranks of parliament thinned as members' terms in office expired due to ongoing delays in holding new elections. In the fall, Haiti was hit by a series of powerful storms and hurricanes that killed more than 700 people, virtually destroyed the major coastal city of Gonaives, and caused hundreds of millions of dollars in damage. With the country's stability appearing increasingly fragile, the UN Security Council extended the peacekeeping force's mandate until October 2009.

### **Political Rights and Civil Liberties:**

Haiti is an electoral democracy. In 2006, citizens changed their government in the most credible elections since 1990. The country's 1987 constitution provides for a president

elected for a five-year term, a National Assembly composed of the 30-member Senate and the 99-member Chamber of Deputies, and a prime minister appointed by the president. Senators are elected for six-year terms and deputies for four-year terms. There are no legislative term limits, but the president cannot serve consecutive terms. Many lawmakers remain sorely short of financial and administrative resources, and the parliament itself has played a largely reactive role in government, either opposing or accepting initiatives from the executive branch.

The legislature is currently divided among several small parties, with no single faction holding a majority. Most parties are driven by personality or support from a particular region. President Rene Preval's first-round election victory in 2006 helped to sweep many candidates from his untested Lespwa party into the parliament, but the party's grassroots support was not very substantial.

Endemic corruption continues to hobble Haiti's political and economic development. A number of lawmakers elected in 2006 have reportedly been involved in criminal activities, and they sought parliament seats primarily to obtain immunity from prosecution. Haiti was ranked 177 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. Preval identified the fight against corruption as a major priority, demanding full disclosure of financial records for top government officials. Hundreds of police officers suspected of corruption were purged from the force. The government showed greater accountability during 2008, principally due to the leadership's willingness to work with a range of political groupings, although the alliance that secured Preval's election in 2006 showed signs of fissure during the year.

Freedom of speech and the press has been constrained by the absence of a viable judicial system and widespread insecurity, but violence against journalists, though problematic, remained reduced in 2008. Media outlets tend to practice self-censorship to avoid violent retribution for critical reporting. There are a variety of newspapers, including the two French-language papers *Le Matin* and *Le Nouvelliste*, with a combined circulation of fewer than 20,000 readers. The weekly newspaper *Haiti Progres* is published in French but offers one page of Creole-language news and one page in English. While opposition to the government can be found in the press, most Haitians lack access due to illiteracy and poverty. There are 275 private radio stations, including more than 40 in the capital. Most stations carry news and talk shows, which many citizens regard as their only opportunity to speak out with some freedom. Television is state run and has traditionally been strongly biased in favor of the government, but has evolved to become more inclusive in recent years. There are five television stations; while satellite television is available, most Haitians cannot afford it. In 2008, the few stations carrying news or opinion programming expressed a range of views. There is no official censorship of books or films, and access to the internet is unrestricted, but Haitians fear violence from nonstate actors if they express their views openly. In August 2007, Haitian journalists formed an independent commission to push for faster investigations into the unsolved deaths of the eight journalists killed since 2000.

The government generally respects religious and academic freedom. However, the absence of an effective police force means that there is little protection for those who are persecuted for their views.

The freedoms of assembly and association, including labor rights, are not re-

spected in practice. Haiti has rich civil society traditions at the local level, but many of its formally organized civil society groupings have been co-opted by political and economic elites. Unions are too weak to engage in collective bargaining, and their organizing efforts are undermined by the country's high unemployment rate. However, in 2008 Haiti's peasant groups coalesced around protests in the face of food shortages and became increasingly active in pressuring their elected representatives to respond to the needs of the country's rural population.

The judicial system continues to be corrupt, inefficient, and dysfunctional. It is burdened by a large backlog of cases, outdated legal codes, and poor facilities. Moreover, official business is conducted in French rather than Creole. Prison conditions are harsh, and the ponderous legal system guarantees lengthy pretrial detentions. In 2008, Amnesty International estimated that Haitian authorities are holding at least 2,000 people without charge, mainly due to poor judicial functioning.

The HNP increased from 5,700 officers in 2006 to more than 10,000 in 2008, though the force was still far short of its target of 15,000 officers. The police force virtually collapsed during the 2004 uprising and is only slowly evolving into a cohesive organization. Haiti's current police chief is well respected and has made important strides in purging corrupt officers and training new recruits. The UN peacekeeping force has helped to establish a minimum level of security in some parts of the country, but the HNP remains unprepared to take over in the peacekeepers' absence.

The trafficking of drugs and people remained a serious problem in 2008. There is widespread violence against women and children in Haiti. Up to 300,000 children serve in *restavec* ("live with," in Creole), a form of unpaid domestic labor with a long history in the country.

## Honduras

**Population:** 7,300,000

**Capital:** Tegucigalpa

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

Civil society organizations in 2008 banded together to form a new social movement against corruption and impunity. Acts of repression and violence against union leaders, public officials, and other activists were a cause for concern during the year, and the country was shaken by persistent gang-related crime as well as a rise in poverty linked to increased food prices. Political parties held primary

**elections in November, aiming to resolve internal rifts ahead of the 2009 general elections.**

The Republic of Honduras was established in 1839, some 18 years after independence from Spain. The country has endured decades of military rule and intermittent elected governments, with the last military regime giving way to civilian authorities in 1982. However, the military remained powerful in the subsequent decades; the first president to exercise his constitutional authority to veto the military and choose its leaders did so in 1999.

Under civilian rule, power has alternated between the Liberal Party (PL) and the National Party (PN). The most recent turnover occurred in 2005, when Jose Manuel Zelaya Rosales of the PL defeated the PN's Porfirio Lobo Sosa to win the presidency. The PL also took control of Congress, winning 62 of the 128 seats. The PN was left with 55 seats, and three minor parties split the remainder. The run-up to the balloting had been marred by political violence that left several PL supporters injured and at least two dead.

Zelaya's competence was called into question in 2007, when the National Registry of Persons was shut down due to a lack of funds. Internal corruption was blamed for the organization's failure. The National Electric Energy Company also teetered close to bankruptcy that year, and Zelaya passed control of the ailing firm to the Defense Ministry in June 2007.

Long-standing civil society complaints of corruption among the political and business elite led to the creation in May 2008 of the Comprehensive Movement for Dignity and Justice (MADJ), an umbrella group that included social and religious organizations, trade unions, and prosecutors. In April, 25 prosecutors staged a 38-day hunger strike to protest the unwillingness of the attorney general's office to investigate alleged acts of corruption. The group also objected to a new law creating a criminal investigative unit within the office of the attorney general, arguing that it would concentrate power in the hands of corrupt officials.

Fears of increased political repression also emerged in 2008, when security officials at the National Autonomous University of Honduras seized a "black list" of 135 public figures from two plainclothes policemen who had been following the president of the student union. The list included indigenous and labor leaders, lawmakers, journalists, and clergy, many of whom were marked for surveillance. A number of officials and activists received death threats in 2008, including five human rights prosecutors, the mayor of Tegucigalpa, the attorney general, and the Supreme Court president. In September, prosecutor Luis Javier Santos was wounded in an attack linked to his anticorruption work.

Political parties suffered from infighting between rival primary candidates ahead of the 2009 general elections. In the PL, the two presidential contenders were Vice President Elvin Santos and Roberto Micheletti, the president of Congress. In the PN, the two key leaders were Mario Canahuati, a businessman and former ambassador to the United States, and Porfirio Lobo Sosa, the party's 2005 nominee. Due to a last-minute ruling from the Supreme Electoral Tribunal, Santos was rendered ineligible to run for president because he had temporarily served as commander in chief in his role as vice president. Santos was replaced by Mauricio Villeda to compete in the primary, and was successful in securing the PL nomination. Santos resigned as



vice president in November and vowed to pursue his candidacy for the presidency. Sosa won the PN's nomination.

Zelaya strengthened ties with Venezuela in 2008, drawing objections from business organizations, the opposition, and elements of his own government. In March, Honduras joined Petrocaribe, a program that would allow it to receive Venezuelan oil at preferential rates, and in July the country joined the Bolivarian Alternative for the Americas (ALBA), a Venezuelan-led trade bloc. Vice President Santos in August accused Zelaya of offering bribes to congressmen to gain support for joining ALBA, indicating growing rifts within the PL. In September, the head of the joint chiefs of staff accused the opposition of planning a coup to remove Zelaya, and political polarization continued to increase through the end of the year.

Honduras is one of the poorest countries in the region, and the World Food Program reported that increases in food prices had driven the poverty rate from 69 percent in September 2007 to 73 percent in June 2008. Many families rely on remittances—worth nearly \$2.8 billion in 2008—from the more than 1.5 million Hondurans living in the United States, but some 700,000 of those are undocumented immigrants, and recent waves of deportations have threatened this income.

### **Political Rights and Civil Liberties:**

Honduras is an electoral democracy. The 2005 elections, although marred by violence and vote-counting problems, were considered free and fair by observers. The president and the 128-member, unicameral National Congress are elected for four-year terms. The proportion of the votes received by a party's presidential candidate determines its representation in Congress. The legislature is currently dominated by the ruling PL and the opposition PN, but three smaller parties also hold seats.

Official corruption continues to cast a shadow over the political scene. The army exerts considerable if waning influence on the government, and officers have been found guilty of involvement in drug trafficking and related cartel conflicts. The 2006 passage of a transparency law was marred by claims that it contained amendments designed to protect corrupt politicians. In 2007, three commissioners were appointed to the regulatory Access to Public Information Institute in a reportedly politicized manner. Honduras was ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Authorities generally respect the constitution's press freedom guarantees. Newspapers and numerous radio and television stations operate without interference, and there is unrestricted access to the internet. Media ownership is concentrated in the hands of a few powerful business interests, and although the Supreme Court in 2005 struck down restrictive defamation laws, many journalists practice self-censorship. Lack of access to public officials and information is a significant obstacle for reporters. According to a 2008 report from the Open Society Institute, payments to journalists and manipulation of state advertising are commonly used to secure favorable coverage or silence criticism.

Freedom of religion is respected. Academic freedom is also usually honored, but academics have faced pressure to support the privatization of the national university.

Constitutional guarantees on the freedoms of assembly and association are generally observed, and the 2006 Citizen Participation Law protects the role of civil so-

ciety groups and individuals in the democratic process. Labor unions are well organized and can strike, but labor actions often result in clashes with security forces. Labor, gay and transgender rights, land rights, environmental, and Afro-Honduran activists are regularly victims of threats and repression. Rosa Altagracia Fuentes Gomez, head of the country's largest labor federation, was killed by unidentified gunmen in April 2008. Investigators identified 11 suspects in the attack, which also left another union member and an associate dead, but only 3 suspects had been apprehended by year's end.

The judicial system is weak and inefficient, and the International Commission of Jurists in 2008 reported high levels of politicization. However, the Supreme Court defied the government during the year by striking down a decree that banned the use of cars for one day each week to reduce fuel consumption. There have been reported cases of denial of due process and harsh prison conditions, including the beating and abuse of inmates. About 79 percent of inmates are awaiting trial, and the prison system is notoriously overcrowded. Two prison riots in April and May 2008 left 27 inmates dead.

While the murder rate dropped from 154 per 100,000 inhabitants in 1999 to 49.9 per 100,000 in 2007, it is still among the highest in the region. The country's homicide rate increased in 2008, with 57.9 murders for every 100,000 inhabitants. Most homicides are attributed to youth gangs, including transnational groups like Mara Salvatrucha (MS-13) and 18th Street. The UN Office on Drugs and Crime estimates that there are 36,000 gang members in Honduras. The government has made membership in a gang punishable by up to 12 years in prison and uses the military to help maintain order. A new joint operation by the police and military was launched in 2008, aimed in part at seizing illegal firearms; the government estimates that there are 600,000 firearms in private hands, only 40 percent of which are registered. Police officers and other vigilantes have also committed extrajudicial killings, arbitrary arrests, and illegal searches. Hundreds of juveniles have reportedly been killed in "social cleansing" campaigns.

Indigenous and Afro-Honduran residents have faced various forms of abuse by property developers and their allies in recent years, including corrupt titling processes and acts of violence. A Garifuna man was abducted, beaten, and threatened in June 2008—allegedly by guards working for a real-estate company—after he participated in a community meeting on the sale of Garifuna land to the company.

Women remain vulnerable to exploitation by employers, particularly in the low-wage *maquiladora* (assembly plant) export sector. Child labor is a problem in rural areas and in the informal economy. A recent survey revealed that nearly 25 percent of youths aged 13 to 15, and 42 percent of those aged 16 to 18, are working. The nongovernmental organization Casa Alianza estimates that as many as 10,000 children are working as prostitutes. According to UNESCO, 29 percent of Honduran children drop out of school before the fifth grade, and youths head about 10 percent of Honduran households. The overall population is dominated by young people: 41 percent are under 15, and 20 percent are aged 15 to 24. The U.S. State Department's 2008 Trafficking in Persons Report ranked Honduras as a Tier 2 country; while it does not fully comply with minimum international standards to combat trafficking, the government is making efforts to do so. The report also found that forced child labor for criminal gangs is a serious concern.

# Hungary

**Population:** 10,000,000

**Capital:** Budapest

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Prime Minister Ferenc Gyurcsany's proposal to introduce doctor-visit charges and university tuition was soundly defeated in a March 2008 referendum, triggering the break-up of the ruling coalition, a cabinet shuffle, and continued fiscal strains. Hungary's financial woes worsened later in the year, as the global economic crisis forced the government to accept a \$25 billion rescue package from the International Monetary Fund, the European Union, and the World Bank.

King Stephen I, who ruled from 1001 to 1038, is credited with founding the Hungarian state; however, Hungarian lands passed through Ottoman and Austrian hands in the centuries that followed. Hungary established a liberal constitutional monarchy under the Austrian Hapsburgs in the mid-19th century, but two world wars and communist rule in the 20th century forestalled true independence.

The Soviet Union crushed an uprising by Hungarians seeking to liberalize the political and economic system in 1956. Subsequent communist policy in the country was fairly liberal compared with the rest of the Soviet bloc, but in the late 1980s, the ruling Hungarian Socialist Worker's Party came under intense pressure to accept reforms. Hungary held its first free, multiparty parliamentary elections in 1990. Over the next decade, power alternated between conservative and socialist blocs, both of which pursued European integration.

After an 84 percent "yes" vote in a 2003 referendum, Hungary entered the European Union (EU) in May 2004. In August of that year, Prime Minister Peter Medgyessy, who led a coalition government consisting of the Hungarian Socialist Party (MSzP) and the Alliance of Free Democrats (SzDSz), resigned due to a dispute with the latter party. He was replaced by Ferenc Gyurcsany, whose biggest challenge was to bring Hungary's finances under control while keeping the support of the MSzP's left wing.

The ruling coalition won reelection in April 2006, taking 210 seats in the National Assembly after a campaign in which Viktor Orban, leader of the conservative opposition Fidesz party, stressed populist themes. Both sides made economic promises that were patently unrealistic, including pledges to reduce taxes while increasing state subsidies. In September 2006, comments that Gyurcsany had made at a closed

party meeting in May, in which he admitted that his government had repeatedly lied to the electorate about its budgetary and economic performance, were leaked to the press. The revelation sparked major riots and severely damaged public confidence in the government. Gyurcsany introduced an austerity plan that year to rein in Hungary's budget deficit of 9 percent of gross domestic product (GDP). The plan combined higher taxes and extensive reforms of the public sector, which resulted in lowered real wages, higher inflation, and minimal economic growth. Despite protests and calls for Gyurcsany's resignation, his government remained in office through 2008.

In March 2008, over 80 percent of referendum voters rejected the government's attempt to introduce university tuition and fees for doctor visits. At the end of the month, the SzDSz withdrew from the cabinet to protest the unilateral dismissal of the health minister. The split left the government with just 190 of the 386 parliament seats, but Gyurcsany shuffled the cabinet and rejected calls for a confidence vote. The global economic crisis that struck in the fall had a severe impact on Hungary, which relied heavily on foreign financing and still carried a large budget deficit. The government ultimately accepted a \$25 billion rescue package from the International Monetary Fund, the EU, and the World Bank, but the country remained politically and economically unstable at year's end.

### **Political Rights and Civil Liberties:**

Hungary is an electoral democracy. Voters elect representatives every four years to the 386-seat, unicameral National Assembly under a mixed system of proportional and direct representation. The National Assembly elects both the president, whose duties are mainly ceremonial, and the prime minister. Elections in Hungary have been generally free and fair since the end of communist rule. After the heated 2006 parliamentary elections, Hungarian think tanks and Transparency International raised questions about illegal campaign funding methods.

The main political parties are the MSzP and the conservative Fidesz, which has adopted an increasingly nationalist stance in recent years. The liberal SzDSz, which supports free-market policies, is the third-largest party but only narrowly cleared the 5 percent vote threshold to enter the parliament in 2002 and 2006.

Hungary's constitution guarantees the right of ethnic minorities to form self-governing bodies, and all 13 recognized minorities have done so. Despite the large population of Roma, only a small number have been elected to the National Assembly in recent elections. In March 2007, local minority representatives for the first time elected county-level governing bodies. However, the entities are limited to cultural affairs and lack jurisdiction over housing, education, and health matters.

Successive governments have introduced stronger penalties for bribery and implemented a long-term anticorruption strategy. In November 2008, Prime Minister Ferenc Gyurcsany proposed new anticorruption legislation that was modeled on the U.S. False Claims Act and included whistle-blower protections. Hungary was ranked 47 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, with party and campaign financing identified as a weak point.

Freedom of speech is respected, and independent media operate freely in Hungary, albeit within a highly polarized atmosphere. Political controversy continues to

trouble state television and radio, with opposition parties accusing the government of improperly attempting to influence content. In June 2008, the Constitutional Court rejected legislation passed in February that would have made hate speech a criminal offense and expanded the scope of hate-speech civil suits. President Laszlo Solyom had referred the legislation to the court for constitutional review. Foreign ownership of Hungarian media is extensive, but the successful introduction of private Hungarian television stations has challenged the argument that state-supported media are necessary for balanced coverage. Internet access is unrestricted.

The constitution guarantees religious freedom and provides for the separation of church and state. While adherents of all religions are generally free to worship in their own manner, the state provides financial support and tax breaks to four "historical churches": the Roman Catholic Church, the Calvinist Church, the Lutheran Church, and the Alliance of Hungarian Jewish Communities. The state does not restrict academic freedom.

The constitution provides for freedom of assembly, and the government generally respects this right in practice. Nongovernmental organizations are active in Hungary and operate without restrictions. The government respects citizens' rights to form associations, strike, and petition public authorities. Trade unions represent less than 30 percent of the workforce.

Hungary has a three-tiered, independent judiciary, capped by the Supreme Court and a Constitutional Court. The constitution guarantees equality before the law, and courts are generally fair. Limited budget resources leave the system vulnerable to outside influence, but court funding is being improved as required by EU membership. Several criminal cases against police officers in 2007, including charges of rape, theft, and persistent corruption by traffic police, led to the dismissal or resignation of a number of high-ranking police and domestic security officials. The police have been criticized for racist attitudes and use of excessive force when dealing with the Romany minority, despite a government campaign against anti-Roma racism. Prisons suffer from overcrowding but are generally approaching Western European standards.

Hungary has taken a number of steps at the institutional level to improve monitoring of Romany legal rights and treatment, but the Romany community continues to face widespread discrimination in many respects, and Roma are five times more likely to live in poverty than the population as a whole.

Since the parliament passed the controversial Status Law in 2001, granting special health and education benefits to ethnic Hungarians residing outside the country, Hungary has repeatedly found itself in disputes with Romania, Serbia, and Slovakia, which have large Hungarian minorities. In December 2004, a referendum was held on extending citizenship to ethnic Hungarians abroad, but turnout was insufficient for the proposal to pass.

Property ownership and choice of residence are legally protected by law and generally enjoyed in practice. The time it takes to start a business in Hungary is below the world average of 48 days.

Women possess the same legal rights as men, but they face hiring and pay discrimination and tend to be underrepresented in high-level business and government positions. Despite the fact that the Hungarian penal code recognizes rape within marriage as a crime, a 2007 Amnesty International report found that women are

overwhelmingly reluctant to report rapes and face widespread prejudice when it comes to prosecuting such cases. Hungary is primarily a transit point, but also a source and destination country, for trafficked persons, including women trafficked for prostitution.

## Iceland

**Population:** 300,000

**Capital:** Reykjavik

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**In a rare clash between police and protesters, 20 people were arrested during one of a series of truck-driver protests prompted by rising fuel prices in March and April. Later in the year, a credit crisis affecting the world's financial markets led to the collapse of Iceland's banking system and the beginning of what promised to be a deep recession.**

Iceland gained independence from Denmark in 1944. It became a founding member of NATO in 1949, despite having no standing army. The country declared itself a nuclear-free zone in 1985. David Oddsson of the center-right Independence Party (IP), first elected prime minister in 1991, finally stepped down in 2004. He was succeeded by Halldor Asgrimsson of the Progressive Party (PP), the coalition partner of the IP. After a poor government showing in local elections, Asgrimsson resigned the premiership in favor of the IP's Geir Haarde in June 2006.

The ruling coalition broke up following May 2007 parliamentary elections, in which the IP took 25 seats and the PP slipped to 7, leaving the pair with a razor-thin majority in the 63-seat legislature. The IP then formed a new coalition with the center-left Social Democratic Alliance, which held 18 seats, and Haarde returned as prime minister. Among other parties, the Left-Green Movement took 9 seats, and the Liberal Party won 4.

In March and April 2008, truck drivers protested on several occasions against increasing fuel prices. In one instance, police arrested 20 protesters and used pepper spray to fend off the crowd, leading several people to seek medical treatment. Protesters threw stones at police, injuring one officer. Such clashes are rare in Iceland.

A global credit crisis devastated the economy beginning in September, and the government was forced to nationalize three large banks in October. By November,

Iceland had arranged to borrow about \$10 billion from the International Monetary Fund (IMF) and several foreign governments in order to meet its obligations to foreign depositors. That sum was reportedly equivalent to Iceland's entire gross domestic product. The grim economic situation appeared to alter public attitudes in favor of joining the European Union (EU) as the year drew to a close. The failing economy led to protests calling for Haarde's resignation at year's end.

**Political Rights and Civil Liberties:** Iceland is an electoral democracy. The constitution, adopted in 1944, vests power in a president, a prime minister, the 63-seat unicameral legislature (the Althingi), and a judiciary. The president, whose duties are mostly ceremonial, is directly elected for a four-year term. The legislature is also elected for four years, but it can be dissolved for early elections in certain circumstances. The prime minister is appointed by the president but responsible to the legislature. Although the center-right IP has dominated politics since the country's independence, elections are free, fair, and competitive. Five political parties are represented in the Althingi. The IP formed a ruling coalition with the center-left Social Democratic Alliance after May 2007 elections, leaving the PP, the Left-Green Movement, and the Liberal Party in opposition.

Corruption is generally not a problem for Iceland, although it has experienced politically tinged business-fraud scandals in recent years. It was ranked 7 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution guarantees freedom of speech and of the press. Iceland's wide range of print publications includes both independent and party-affiliated newspapers. The autonomous Icelandic National Broadcasting Service competes with private radio and television stations. Private media ownership is concentrated, with the Nordurljos (Northern Lights) Corporation controlling most of the private television and radio outlets and two out of the three national newspapers. A 2004 bill placing limits on media ownership was rejected through the first presidential veto in the republic's history. Some reporters practice self-censorship to avoid publishing libelous material. Internet access is unrestricted.

The constitution provides for freedom of religion, though nearly 90 percent of Icelanders belong to the Evangelical Lutheran Church. The state supports the church through a special tax, which citizens can choose to direct to the University of Iceland instead. In 2006, the courts rejected a lawsuit by the Icelandic Pagan Association in which it sought state funding proportional to its membership. However, Reykjavik city authorities reportedly granted land for a pagan place of worship in January 2008. In May, the parliament passed a law that requires the teaching of theology in grades 1-10 and calls for teaching practices in general to draw on Iceland's Christian heritage as well as broader values including equality and tolerance; the previous statute had referred only to "Christian ethics." Academic freedom is respected, and the education system is free of excessive political involvement.

The freedoms of association and peaceful assembly are upheld. Many nongovernmental organizations (NGOs) operate freely and enjoy extensive government cooperation. In 2004, the government cut all direct funding to the Icelandic Human Rights Center to help ensure its independence. The labor movement is robust, with about 85 percent of all eligible workers belonging to unions. All unions have the

right to strike. In 2008, a series of spring fuel-price protests by truck drivers prompted at least one clash with police, and a late-summer wage protest by the Midwives' Association of Iceland was ultimately resolved with a 21 percent pay increase, though at one point the finance minister filed charges against the group.

The judiciary is independent. The law does not provide for trial by jury, but many trials and appeals use panels of several judges. The constitution states that all people shall be treated equally before the law, regardless of sex, religion, opinion, ethnic origin, race, property, or other status. However, the charter does not specifically prohibit racial discrimination in other contexts. Prison conditions generally meet international standards.

The Act on Foreigners was amended in 2004 to allow home searches without warrants in cases of suspected immigration fraud, among other changes. Foreigners can vote in municipal elections if they have been residents for at least five years, or three years for citizens of Scandinavian countries.

Women enjoy equal rights, and more than 80 percent of women participate in the workforce. A pay gap exists between men and women in spite of laws designed to prevent disparities. A five-year plan to reduce violence against women was launched in 2006, and in 2008 the UN Development Fund for Women (UNIFEM) affiliate in Iceland launched a campaign to support the organization's international antiviolenace initiative. In 2008, the Althingi passed the Act on Equal Status and Equal Rights of Women and Men to advance gender equality. The government participates in the Nordic-Baltic Action Group against Human Trafficking. A committee was appointed in 2008 to develop new strategies to combat human trafficking in Iceland, which currently does not have laws to protect victims of trafficking.

## India

**Population:** 1,149,300,000

**Capital:** New Delhi

**Political Rights:** 2

**Civil Liberties:** 3

**Status:** Free



*Note:* The numerical ratings and status listed above do not reflect conditions in Indian-controlled Kashmir, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F

### Overview:

With elections expected in early 2009, the ruling Congress Party-led coalition faced several challenges in 2008, including a state electoral defeat in Karnataka, rapidly es-



**calating inflation, and the rising popularity of Uttar Pradesh chief minister Mayawati and her Bahujan Samaj Party. The peace dialogue with Pakistan continued for most of the year, despite bombings attributed to Islamist militants in May, September, and October that killed dozens of civilians in Jaipur, Delhi, and Assam. However, relations deteriorated after 10 heavily armed Islamist militants—apparently arriving from Pakistan by sea—attacked civilian targets in Mumbai in November, killing 171 people. Also during the year, religious violence in Orissa caused several deaths and displaced thousands, and ongoing Maoist and separatist violence contributed to lawlessness and human rights violations in a number of other states.**

India achieved independence from Britain in 1947, as predominantly Muslim portions of British India split off to form Pakistan. The centrist, secular Congress Party ruled at the federal level for nearly all of the first 50 years of independence. From the mid-1990s onward, however, the Hindu nationalist Bharatiya Janata Party (BJP) was a major factor in Parliament, leading governments on several occasions. In addition, the pattern shifted from single-party to coalition governments, typically involving large numbers of parties and an increasingly important role for parties based in a single state.

The period after 1990 was also a time of major economic reform, with the Congress government initiating a shift toward market-oriented policies following a balance-of-payments crisis in 1991. In December 1992, Hindu fundamentalists supported by major figures in the BJP destroyed a 16th-century mosque in the northern town of Ayodhya, and some 2,000 people, mainly Muslims, subsequently died in riots and police gunfire. The incident highlighted the clash between the BJP's traditional promotion of what it regarded as Hindu cultural interests and the need to moderate its program in order to win elections and govern.

BJP leader Atal Behari Vajpayee's formation of a coalition government in 1998 marked the arrival of the party as a regular contender for national leadership. The government fell after a regional party defected, but the BJP won reelection in 1999 as the lead partner in the 22-party National Democratic Alliance. In February 2002, 59 people were killed in Gujarat when a fire broke out on a train carrying members of a Hindu extremist group. A Muslim mob was initially blamed for the fire. In the anti-Muslim riots and pogroms that followed throughout Gujarat, an estimated 2,000 people were killed and 100,000 were displaced. The violence was orchestrated by Hindu nationalist groups, but had the tacit support of the BJP-led state government. An official commission initially deemed the original fire an accident, although the latest commission report, released in 2008, found the train was intentionally set on fire.

The BJP, though bolstered by state electoral victories and economic growth, was unexpectedly defeated after calling early national elections in 2004. It won only 137 out of 545 seats in the lower house of Parliament, and its allies also performed poorly. The Congress Party formed a new coalition government with a number of regional parties, but Congress leader Sonia Gandhi decided to hand the premiership to former finance minister Manmohan Singh.

The new Congress-led United Progressive Alliance (UPA) government agreed to reverse several of the previous government's policies, including controversial antiterrorism legislation and the injection of Hindu nationalist ideology into state-run schools. However, the UPA faced internal rifts and opposition from the Commu-

nist Party of India-Marxist (CPI-M), one of its leftist allies, on economic issues such as privatization and labor law reform. The government's push to expand affirmative action programs also met with criticism, and protests broke out in April 2008 when the Supreme Court approved plans to reserve 49.5 percent of the student slots at colleges and universities for members of lower castes, doubling the previous percentage. Existing policies also reserved 27 percent of government jobs for such groups.

Congress in 2008 faced rising inflation and several political challenges as it prepared for elections due by May 2009. The BJP won state elections in Karnataka in May, its first success in southern India, after using recent terrorist attacks to criticize Congress's 2004 decision to repeal the previous BJP government's antiterrorism legislation. The Bahujan Samaj Party (BSP) also gained attention in 2008 as a vocal critic of the government. BSP leader Mayawati, the chief minister of Uttar Pradesh state, was considered a contender for the premiership. Congress briefly lost its parliamentary majority in June when Communist parties left the ruling coalition; the majority was restored following a hasty deal with the Samajwadi Party. While the government survived a narrow confidence vote in July and successfully passed a controversial nuclear deal with the United States, the achievement was marred by allegations of bribery. The vote came after two days of rancorous parliamentary debate closely followed by the Indian public.

A peace dialogue that began after India and Pakistan came close to war in 2002 continued for most of 2008 despite a series of terrorist attacks attributed to Islamist militants. However, bilateral relations were seriously jeopardized in November when 10 well-armed gunmen—apparently arriving by sea from Pakistan—assaulted hotels and other targets in Mumbai, killing 171 people. The peace process had previously been threatened but not thrown off course by terrorist violence, most notably a series of July 2006 train bombings in Mumbai that killed over 200 people. Many in India, including some in government, have blamed such attacks on Pakistani intelligence services. The bombings in 2008 struck locations including Delhi in May, Jaipur in September, and Assam in October. The Islamist group Indian Mujahideen claimed responsibility for the Delhi and Jaipur attacks, but security officials speculated that several terrorist groups—including Bangladesh-based Harkat-ul-Jihad-al-Islami, the Student's Islamic Movement of India, or Pakistan-based Lashkar-e-Toiba—could be responsible.

### Political Rights and Civil Liberties:

India is an electoral democracy. Members of the lower house of Parliament, the 545-seat Lok Sabha (House of the People), are directly elected for five-year terms (except for two appointed members representing Indians of European descent). The Lok Sabha determines the leadership and composition of the government. Most members of the 250-seat upper house, the Rajya Sabha (Council of States), are elected by the state legislatures to serve staggered six-year terms; up to 12 members are appointed. Executive power is vested in a prime minister and cabinet. The president, who plays a largely symbolic role as head of state, is chosen for a five-year term by state and national lawmakers.

Under the supervision of the Election Commission of India (ECI), recent elections have generally been free and fair. The 2004 national polls featured a decline in

election-related violence, though some fraud and other minor irregularities occurred in Bihar despite the nationwide introduction of electronic voting machines. Violence has also declined during recent state-level elections. Badly maintained voter lists and the intimidation of voters in some areas continue to be matters of concern.

A wide range of political parties operate freely. Due to the rising popularity of regional and caste-based parties, coalition governments have become the norm.

Government effectiveness and accountability are undermined by pervasive criminality in politics, decrepit state institutions, and widespread corruption. India was ranked 85 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. The electoral system depends on "black money" obtained through tax evasion and other means. Politicians and civil servants are regularly caught accepting bribes or engaging in other corrupt behavior. During the debate on the vote of confidence in September 2008, BJP members of Parliament brandished bundles of cash that were allegedly exchanged for votes. The BJP has claimed that a news channel has evidence of the bribery; tapes were given to Parliament Speaker Somnath Chatterjee for investigation. A number of candidates with criminal records have been elected, particularly in the state legislatures. Despite laws requiring candidates to declare their financial assets, criminal records, and educational backgrounds, those with links to organized crime or whose election victories were at least in part dependent on unreported money continue to serve as lawmakers, as do a number who face serious criminal charges. The 2005 Right to Information Act has reportedly improved transparency, although many information requests are still denied because of poor record-keeping by government agencies. Those who try to expose bureaucratic corruption often receive threats or are otherwise penalized in terms of career prospects.

The predominantly private media remain vigorous, although journalists face a number of constraints. The constitution protects freedom of speech and expression but does not explicitly mention media freedom. The government occasionally uses its power under the Official Secrets Act (OSA) to censor security-related articles. Authorities have also on occasion used other security laws, criminal defamation legislation, and contempt-of-court charges to curb critical voices, though a 2006 amendment to the Contempt of Courts Act introduced truth as a defense. Hate-speech laws have also been used against the press. In June 2008, three journalists from the *Andhra Jyoti*, a Hyderabad daily, were arrested under a law prohibiting insults to lower castes; there was allegedly little evidence of insult in the article in question, and the three were released on bail.

Journalists remain subject to intimidation. On a number of occasions during 2008, reporters were attacked, threatened, or detained by local authorities, right-wing groups, or insurgents. Members of the press are particularly vulnerable in rural areas and insurgency-racked states such as Chhattisgarh, Kashmir, Assam, and Manipur. In January 2008, a television station in Gujarat was ransacked by Hindu fundamentalists after it short-listed an artist known for controversial paintings of Hindu deities for a national service award. In April, Mohammed Muslimuddin, a reporter for the daily *Asomiya Pratidin* in Assam, was attacked and killed near his home, reportedly for his work covering drug crimes. In November, Konsam Rishikanta, an editor with the *Imphal Free Press*, was found murdered in Imphal, Manipur's capital. Also in November, Jagajit Saikia, a correspondent for the

Assamese language daily *Amar Asom* was murdered outside the paper's offices. No arrests were made in either case.

Internet access is largely unrestricted, although some states have proposed legislation that would require the registration of customers at internet cafes. Under Indian internet crime law, the legal burden is on website operators to demonstrate their innocence. In August 2008, a Google subsidiary was ordered to reveal the identity of a blogger who posted comments critical of Gremach, a construction company. Potentially inflammatory books and films are occasionally banned or censored.

Freedom of religion is constitutionally guaranteed and generally respected in India, which is officially secular but features a sizeable Hindu majority. Violence against religious minorities remains a problem in certain states, and prosecution of the culprits has been inadequate. Members of the so-called Sangh Parivar, a group of Hindu nationalist organizations including the BJP, and some local media outlets promote antiminority propaganda. In December 2007, dozens of churches and Christian homes in Orissa were destroyed by Hindu militants, and violence resumed in August 2008 following the murder of a Hindu preacher. While police reported that Maoists were responsible for the killing, Hindu extremists blamed Christians. In the following months, an estimated 30 Christians were killed and 3,000 homes destroyed in Kandhamal, the state's most violent district. Legislation in several states criminalizes religious conversions that take place as a result of "force" or "allurement." Academic freedom is generally respected but occasionally threatened by intimidation of and attacks on professors and institutions.

There are some restrictions on freedoms of assembly and association. Section 144 of the criminal procedure code empowers state authorities to declare a state of emergency, restrict free assembly, and impose curfews; officials occasionally use Section 144 to prevent demonstrations. Police and hired thugs sometimes beat, arbitrarily detain, or otherwise harass villagers and members of nongovernmental organizations (NGOs) who protest forced relocation from the sites of development projects. In what some commentators saw as an effort to maintain strengthening relations with China, the government discouraged Tibetan protests against the 2008 Beijing Olympic Games. In March, more than 100 Tibetans were detained while marching toward the Chinese border. According to Tibetan sources, the protesters refused to sign a bond stating that they would not protest for six months. Also that month, some 80 protesters were arrested in Delhi during a demonstration outside the Chinese embassy.

Human rights organizations generally operate freely. However, they have expressed concern about threats, legal harassment, the use of excessive force by police, and occasionally lethal violence. In Gujarat, advocates for justice following the 2002 communal riots have faced harassment, including police or tax investigations and threatening telephone calls, according to Human Rights Watch. There were also several reports of attacks against Christian NGOs in Orissa in 2008. The work of rights activists may be hindered by a 2001 Home Ministry order that requires organizations to obtain clearance before holding international conferences or workshops if the subject matter is "political, semi-political, communal, or religious in nature or is related to human rights," although this prohibition is often ignored. Foreign monitors are occasionally denied visas to conduct research trips in India on human rights issues.

Workers in the formal economy regularly exercise their rights to bargain collectively and strike. However, the Essential Services Maintenance Act enables the government to ban strikes in certain industries and limits the right of public servants to strike. Estimates of the number of child laborers vary widely, from 12 million to 55 million. Many work in the informal sector in hazardous conditions, and some are bonded laborers. Children younger than 14 are banned from working as domestic servants or at hotels, restaurants, or roadside food stalls, although in practice, the law is routinely flouted.

The judiciary is independent of the executive branch. Judges have displayed unprecedented activism in response to public interest litigation on official corruption, environmental issues, and other matters, and this expanded role has received considerable public support. However, in recent years, judges have initiated several contempt-of-court cases against activists and journalists, raising questions about their misuse of the law to intimidate those who expose judicial corruption or question verdicts. Contempt-of-court laws were reformed in 2006 to make truth a defense with respect to allegations against judges, provided the information is in the public and national interest.

The judiciary, particularly at the lower levels, is reportedly rife with corruption, and most citizens have great difficulty securing justice through the courts. The court system is severely backlogged and understaffed—there are currently 38 million civil and criminal cases pending—which results in lengthy pretrial detention for a large number of suspects, to the point where many remain in jail beyond the duration of the maximum sentence for the crime with which they are charged. Despite legal reforms in recent years, the criminal justice system still generally fails to provide equal protection to minorities, lower castes, and tribal members. Muslims are underrepresented in the security forces, with only 29,000 serving in the 1.1 million-strong army even though they comprise an estimated 14.5 percent of the population, according to the *Christian Science Monitor*. Muslims are also underrepresented in "influential" or "sensitive" areas of government such as the foreign and intelligence services.

Particularly in rural India, caste *panchayats* (informal councils) or Muslim religious leaders often issue edicts concerning marriage, divorce, and other social customs. While these bodies play a role in relieving the overburdened official courts, their edicts sometimes result in violence or persecution aimed at those perceived to have transgressed social norms, especially women and members of the lower castes.

Police often torture or abuse suspects to extract confessions or bribes. Custodial rape of female detainees continues to be a problem, as does routine abuse of ordinary prisoners, particularly minorities and members of the lower castes. The Asian Centre for Human Rights reported in 2008 that 7,468 people have died in custody over the past five years, nearly all as a result of torture. The National Human Rights Commission (NHRC), created in 1993, is headed by a retired Supreme Court judge and handles roughly 80,000 complaints each year. However, while it monitors abuses, initiates investigations, makes independent assessments, and conducts training sessions for the police and others, its recommendations are often not implemented and it has few enforcement powers. The commission also lacks jurisdiction over the armed forces, which severely hampers its effectiveness.

Reports by the NHRC, Human Rights Watch, and other groups allege that the

Gujarat state government instructed police not to intervene during the 2002 communal violence, and that police have since been reluctant to register complaints against or arrest those accused of murder, rape, or complicity in the rioting. The rehabilitation of displaced victims and the prosecution of the perpetrators has consequently made little progress, as witnesses and victims' advocates have faced intimidation by local authorities and Hindu nationalists. After the state's justice system was deemed to be biased, the Supreme Court stepped in on several occasions to order retrials or reviews of previously closed cases, though police later refused to reopen most, citing a lack of available witnesses. In 2006, a Mumbai special court sentenced 9 people to life imprisonment for their role in the Best Bakery massacre, and 13 people were convicted in 2008 for their roles in the riots, with 11 receiving life sentences. However, the majority of victims appear unlikely to see justice.

Security forces continue to be implicated in disappearances, extrajudicial killings, rape, torture, arbitrary detention, and destruction of homes, especially in the context of ongoing insurgencies in Kashmir, the tribal belt, and several northeastern states. The Armed Forces Special Powers Act (AFSPA) and the Disturbed Areas Act remain in effect in a number of states, granting security forces broad powers of arrest and detention. A government-appointed review panel unanimously recommended that AFSPA be repealed in 2005, and the United Nations called for its repeal in 2007, but the government has not yet complied. Security forces also continue to hold suspects under the National Security Act, which authorizes detention without charge for up to one year, as well as the Unlawful Activities Prevention Act. In response to spiraling Naxalite-related violence, the Chhattisgarh state government passed the Special Public Protection Act in 2006, with broad language allowing three-year detentions for "unlawful activities" and criminalizing the provision of support to the Naxalites, even if under duress. Binayak Sen, a doctor and member of a local human rights organization, was arrested under the act in 2007 for allegedly passing on letters from an imprisoned Naxalite leader. His trial began in April 2008, but he still remained in jail at year's end. The criminal procedure code requires the central or relevant state government to approve prosecution of security force members, but such approval is rarely granted, leading to impunity for security forces implicated in human rights abuses.

In India's seven northeastern states, more than 40 insurgent factions—seeking either greater autonomy or complete independence for their ethnic or tribal groups—attack security forces and engage in intertribal violence. The rebels have been implicated in numerous bombings, killings, abductions, and rapes of civilians, and they also operate extensive extortion networks. More than 700 troops, militants, and civilians were killed in these northeastern states in 2008, according to the South Asia Terrorism Portal (SATP), with Manipur and Assam registering the highest levels of violence. In June 2008, 7 people were killed and 35 injured in an explosion in Assam, and several other attacks were reported during the year. Tens of thousands of civilians have been displaced, and many live in squalid camps.

The recent spread and influence of the Naxalites is cause for serious concern. There are an estimated 10,000 armed fighters supported by 40,000 cadre members, organized into a number of groups that since late 2004 have been loosely allied as the Communist Party of India (Maoist). The *Economist* has reported that they operate in 170 of India's 602 districts, controlling some rural areas outright. Focusing on

the tribal areas in states such as Andhra Pradesh, Orissa, Bihar, Chhattisgarh, and Jharkhand, their stated aim is to establish a Communist state on behalf of marginalized groups, including tribal peoples, lower castes, and the landless poor. According to a 2008 Human Rights Watch report, they have imposed illegal taxes; requisitioned food and shelter from villagers; engaged in abduction and forced recruitment, including recruitment of child soldiers; hampered aid deliveries; and planted land mines that have caused several civilian casualties.

Naxalite-related violence killed more than 400 security personnel and civilians during 2007, according to the SATP. Particularly after the 2005 launch of the anti-Maoist Salwa Judum campaign in Chhattisgarh, local civilians who are perceived to be progovernment have been targeted by the Naxalites. The government, often working with the Salwa Judum, has routinely raided suspected Naxalite-controlled villages in recent years, with attacks continuing through 2008, often targeting civilians. A 2008 Human Rights Watch report documented a pattern of beatings and murders by security forces in the area. Around 50,000 civilians have been displaced by Naxalite-related violence and live in government-run camps.

The constitution bars discrimination based on caste, and laws set aside generous quotas in education and government jobs for the so-called scheduled tribes, scheduled castes (Dalits), and other backward classes (OBCs). In addition, women and religious and ethnic minorities are represented in national and local government; in 2004, Manmohan Singh became India's first Sikh prime minister, and in 2008, the BSP, formed chiefly to represent Dalits, won an absolute majority in Uttar Pradesh, India's most populous state. However, members of the lower castes and minorities continue to face routine unofficial discrimination and violence. The worst abuse is experienced by the country's 160 million Dalits, who are often denied access to land and other public amenities, abused by landlords and police, punished by village councils or members of the upper castes for alleged social transgressions, and forced to work in miserable conditions. A government proposal to reserve an extra 27 percent of places in universities and technical institutes for OBCs—taking the total portion of reserved slots to 49.5 percent—was approved in 2008. The move sparked widespread protests by critics, who felt that the quality of India's universities would be compromised, and that the policy should concentrate on improving opportunities at lower levels of the educational system. In 2006, the government-initiated Sachar Committee report—which found that Indian Muslims were disproportionately more likely to be poor and illiterate, and less likely to have access to government employment, medical care, or loans—spurred debate over the necessity of providing official assistance for Muslims. In August 2008, the state of Kerala announced plans to implement recommendations based on the committee's findings.

Tension between different ethnic groups over land, jobs, or resources occasionally flares into violent confrontation, and sporadic Hindu-Muslim violence remains a concern. Other forms of discrimination against Muslims are sometimes excused in the context of ongoing tensions with Pakistan and the global campaign against terrorism. Tens of thousands of displaced people live in makeshift camps in various areas of the country, including Gujarat, due to past or ongoing violence. Although India hosts several hundred thousand refugees from neighboring countries, it has no federal refugee law, and the treatment of displaced persons varies widely, according to Refugees International.

Property rights are somewhat tenuous for tribal groups and other marginalized communities, and members of these groups are often denied adequate resettlement opportunities and compensation when their lands are seized for development projects. In 2007, there was increased violence associated with a planned special economic zone in Nandigram, West Bengal, that led to the acquisition of farmland. More than 30 people were killed, hundreds were injured, and more than 10,000 people lost their homes in 2007 amid clashes between supporters of the state's ruling CPI-M party and farmers trying to block the land appropriations. The two sides clashed again in May 2008, leading to several injuries.

Each year, several thousand women are killed or driven to suicide, and countless others are abused or deserted by husbands, in the context of domestic disputes. Despite the criminalization of dowry demands and hundreds of convictions each year, the practice continues. Rape and other violence against women are serious problems, and lower-caste and tribal women are particularly vulnerable. Muslim women and girls were subjected to horrific sexual violence during the 2002 communal riots in Gujarat, and there have been few official attempts to rehabilitate survivors or to prosecute their attackers, according to Amnesty International. The Protection of Women from Domestic Violence Act, which took effect in October 2006, banned dowry-related harassment, widened the definition of violence to include emotional or verbal abuse, and criminalized spousal rape. So-called honor killings, in which women are murdered by relatives for perceived sexual or moral indiscretions, remain a problem, especially in the northwestern states of Punjab and Haryana.

Muslim personal-status laws and traditional Hindu practices discriminate against women in terms of inheritance, adoption, and property rights. The malign neglect of female children after birth remains a concern. Sex-determination tests are increasingly used during pregnancy, after which female fetuses are more likely to be aborted, despite a prohibition on tests being conducted for this purpose. The trend, coupled with the practice of female infanticide by those who cannot afford the tests and a tendency to provide less food and health-care to daughters than sons, has contributed to a significant imbalance in the male-female birth ratios in a number of states. In March 2008, the government announced an award of nearly \$3,000 for families who raise female children. Laws banning homosexual behavior have led to harassment of gay men and the NGOs that work with them, according to Human Rights Watch. A high-profile campaign is currently challenging these colonial-era laws through the courts. The trafficking of women and children to, from, and within India—primarily for prostitution and forced labor—continues to be a significant problem.



## Indonesia

**Population:** 239,900,000

**Capital:** Jakarta

**Political Rights:** 2

**Civil Liberties:** 3

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	3,4PF	3,4PF	3,4PF	3,4PF	3,4PF	2,3F	2,3F	2,3F	2,3F

**Overview:** Violence against members of the religious group Ahmadiyya increased in 2008, and the government froze the group's activities, leaving it with an ambiguous legal status. Also during the year, the parliament passed controversial election and anti-pornography bills, and progress in the case of murdered human rights activist Munir Said Thalib included two significant indictments and the trial of a former intelligence chief. Successful high-level corruption prosecutions were tempered by uncertainty over the future legal standing of the Corruption Court. Separately, the government reduced costly fuel subsidies, despite the expected importance of social and economic conditions in the 2009 elections.

Indonesia won independence from its Dutch colonial rulers in 1949. After several parliamentary governments collapsed, the republic's first president, Sukarno, assumed authoritarian powers in 1957 and established a system he called "Guided Democracy." The army, led by General Suharto, crushed an apparent Communist Party of Indonesia (PKI) coup attempt in 1965. Mass acts of violence that followed, ostensibly against suspected PKI members, resulted in an estimated 500,000 deaths. With military backing, Suharto formally became president in 1968.

Suharto's "New Order" regime created Golkar, a progovernment party based on bureaucratic and military interests. The government also embarked on a development program that helped the economy grow by an annual average of 7 percent for three decades. By the 1990s, Suharto's children and cronies were the major beneficiaries of state privatization schemes and in many cases, ran business monopolies with little oversight. After the onset of the 1997 Asian financial crisis, the country's economy shrank by 13.8 percent. Soaring inflation and unemployment prompted urban riots in 1998, and Suharto was forced to resign. He was succeeded by then vice president B. J. Habibie, who removed legal constraints on the press, labor unions, and political parties in response to the *reformasi* (reform) movement.

In 1999, Indonesia held its first free legislative elections since 1955, and Golkar saw a significant drop in its support. The Indonesian Democratic Party-Struggle (PDI-P), led by Sukarno's daughter, Megawati Sukarnoputri, won the largest number of seats, followed by Golkar. The People's Consultative Assembly, made up of

elected lawmakers and appointed officials, chose Muslim leader Abdurrahman Wahid as president and Megawati as vice president. Wahid was impeached in 2001 as a result of corruption allegations, and Megawati became president. Her administration was credited with stabilizing the post-1997 economy but also with a rise in corruption, due in part to a hasty decentralization process. Internal security threats rose, culminating in terrorist bombings that killed 202 people on the resort island of Bali in 2002.

Support for Megawati's PDI-P dropped in the 2004 elections, and Golkar once again became the largest party in the parliament. Substantial gains for the Prosperous Justice Party (PKS), an Islamic group, largely reflected support for its anticorruption platform; the party won 45 seats in 2004, up from 7 seats in 1999. The new Democratic Party (PD) became the electoral vehicle for Susilo Bambang Yudhoyono (SBY), formerly Megawati's coordinating minister for political and security affairs. He won a clear victory over Megawati, with 61 percent of the vote in the final round of the direct presidential election later that year. Golkar's Jusuf Kalla, a wealthy businessman, became vice president.

The devastating 2004 earthquake and tsunami in Aceh, an oil-rich province on the northern tip of Sumatra, paved the way for a peace agreement in August 2005 between the government and the separatist Free Aceh Movement (GAM). The GAM formally disarmed in December 2005, and its candidates won the posts of governor and deputy governor in peaceful elections the following year. While the peace held in 2008, unresolved problems continued to fester, exacerbated by high unemployment and a rise in violence and illegal activities. A report by the World Bank found that August 2008 was the most violent month in Aceh since 2005, with most conflict occurring over land disputes, unemployment, and construction projects. Nevertheless, the level of violence had decreased by the end of the year. Rifts within the GAM leadership over inequitable divisions of reintegration funds resulted in conflict between former members. A grenade exploded in September at the home of a former GAM commander, and another in October at the central office of the Aceh Transitional Committee (KPA), an organization representing GAM's former armed wing that was thought to be involved in illegal logging. In addition, violence against foreign nationals increased. In April, seven Chinese miners were kidnapped, a grenade exploded at a Save the Children office in May, and in September a French consultant for the World Bank was kidnapped.

Jakarta continued to fear separatism in Papua, whose residents have generally resented the central government's exploitation of the province's natural resources. The conflict was increasingly characterized by rivalry among tribal elites, and exacerbated by ad hoc implementation of special autonomy regulations as well as the uncertain legal status of West Papua province, which was divided from Papua province in 2003. The development of oil-palm plantations has brought an influx of non-Papuan workers and firms, prompting land disputes. Clashes between security forces and independence supporters continued in 2008, and tension has increased between local Christian communities and non-Papuan Muslim communities.

Underlying grievances also remained between Muslim and Christian communities in Poso. Although violence decreased in 2007 and 2008, corruption and low public trust in government were persistent problems. The International Crisis Group reported in June 2008 that poor management and inadequate transparency of postconflict funding could lead to future tension.

The counterterrorism campaign against Jemaah Islamiyah (JI)—a transnational network of Southeast Asian Islamist militants loosely linked to al-Qaeda—continued in 2008, with the authorities making a number of arrests. Only one JI chapter was thought to remain in the province of Central Sulawesi, longtime headquarters of the network's Indonesia branch. The Australian Strategic Policy Institute reported in June 2008 that with JI's decline, Indonesian leaders were beginning to doubt the necessity of continued counterterrorism efforts. A district court designated JI an illegal organization in April, but later that month, Vice President Jusuf Kalla remarked that JI could not be legally banned because it did not exist. In November, three perpetrators of the 2002 nightclub bombing in Bali, which killed 202 people, were executed. Despite warnings of retaliatory attacks, no serious security threats occurred during or immediately after the funerals.

With roughly 40 million Indonesians living in poverty, SBY's agenda in 2008 remained focused on job creation, economic growth, and anticorruption efforts, and these were likely to be decisive factors in the 2009 elections. Indonesia pulled out of the Organization of Petroleum Exporting Countries (OPEC) in June, and the government took the necessary but unpopular step of reducing costly fuel subsidies. As a result, SBY's popularity declined steeply in July in favor of Megawati, who was nominated as the PDI-P presidential candidate for 2009. The PD also lost a string of local elections to the PDI-P. Golkar threatened to abandon its parliamentary coalition with the PD, though the threat was not considered serious and Golkar ultimately did not follow through. SBY reclaimed a lead in public opinion polls in October.

Indonesia assumed a more prominent role on the international stage as a temporary member of the UN Security Council in 2007-08. In July 2008, SBY accepted the findings of the Commission on Truth and Friendship (CTF), which laid blame for the scorched-earth campaign targeting East Timorese separatists in 1999 on Indonesian civil and military leaders.

### **Political Rights and Civil Liberties:**

Indonesia is an electoral democracy. In 2004, for the first time, Indonesians directly elected their president and 550 members of the House of Representatives (DPR), as well as members of a new legislative body, the Regional Representatives Council (DPD). Previously, presidents had been elected by the People's Consultative Assembly (MPR), then made up of elected lawmakers and appointed officials. The MPR now performs tasks involving the swearing in and dismissal of presidents, and the amendment of the constitution. It is comprised of elected DPR and DPD members. The DPD is responsible for proposing and monitoring laws related to regional autonomy. Presidents and vice presidents can serve up to two five-year terms. Legislators also serve five-year terms.

Parties that fail to win 3 percent of the vote are not allowed to contest future elections. In October 2008, the DPR passed a bill that raised the threshold for the nomination of presidential candidates: parties or coalitions must now attain 25 percent of the popular vote or 20 percent of seats in the DPR to nominate candidates. In December, the Constitutional Court overturned two articles in the 2008 Law on Legislative Elections concerning seat distribution. Previously the majority of seats were allocated using a party-list system with a high threshold to achieve a directly elected seat. Now, priority is given to candidates who achieve the highest number of votes

on the party list, regardless of their position on the list. However, by the close of 2008, regulations to correct for the Constitutional Court's changes were not complete, and it was unclear to what extent political parties had a say in the allocation of seats amongst their candidates.

Staggered, direct elections for regional leaders began in 2005 and have generally been considered to be free, fair, and peaceful. Independent candidates contested local elections for the first time in 2008, after a 2007 Constitutional Court ruling paved the way for a new regional administration law in April. Previously, candidates had to be nominated by political parties that, in turn, were required to have a nationwide network of members and offices. These requirements tended to perpetuate corrupt practices. Outside of Aceh, only two independent candidates have won since the new law was promulgated. Aceh's 2006 governance law already allowed independent candidates to run as part of an effort to integrate former GAM separatists into the political process.

Corruption remains endemic. The Corruption Eradication Commission (KPK), created in 2003, is comprised of special prosecutors with the power to investigate any official misconduct believed to have cost the state more than one billion rupiah (US\$85,000). The KPK has been criticized for failing to convict prosecutors and police. A survey conducted by the KPK in June-September 2008 found that while the KPK is considered to have the highest level of integrity amongst governing institutions, 72 percent of respondents also thought the institution had not created a sufficient "culture of shame" to prevent state officials from corrupt practices.

Nevertheless, a string of high-profile cases and convictions in 2008 improved the commission's image and raised expectations that acts of corruption, even by senior officials, would be punished. In one case in October, the former governor of the Bank of Indonesia was sentenced to five years in prison for embezzling \$10.3 million of central bank money. While many activists said the sentence was too light, it was generally considered a milestone in the country's progress. The case led to the subsequent arrest of the bank's former deputy-governor, an in-law of SBY. Indonesia was ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The state of press freedom in Indonesia remains mixed but continues to improve. The country has a large independent media presence, yet strict licensing rules mean that thousands of television and radio stations operate illegally. The foreign press has been banned from the restive province of Papua since 2003.

Libel laws influence how journalists frame their stories. Article 311 of the 2007 criminal code still makes defamation punishable by four years in prison, but a claim now needs to be filed before an arrest can be made. The Supreme Court in 2007 ordered *Time Asia* to pay 1 trillion rupiah (more than US\$100 million) in damages for a 1999 story on the Suharto family's fortune and embezzlement, and although the magazine appealed the ruling, its case has been in limbo since the death of Suharto in January 2008. Separately, a journalist was sentenced to prison in February 2008 for describing government prosecutors as "slow-witted." The comment was apparently a 27-year-old quotation. In June, a court ruled that a Yogyakarta journalist had insulted the manager of a newspaper after writing several articles on sexual harassment; he was subsequently jailed for six months. In September, *Tempo* magazine was ordered to pay compensation and publish an apology to the company Asian Agri for "damage to its reputation."

There are an estimated 20 million internet users in Indonesia. In April 2008, the DPR enacted a law on Electronic Information and Transactions (ITE), which deems criminal the distribution or accessibility of information or documents that are "contrary to the moral norms of Indonesia" or related to gambling, blackmail, or defamation. In an exception to the government's generally hands-off public access policy, the Ministry for Communication and Information Technology issued a directive in April to restrict access to the websites YouTube and MySpace in order to block online video-streaming of the Dutch film *Fitna*, considered to be anti-Islam. However, after strong public protest and accusations of censorship, the ministry withdrew the directive.

Indonesia officially recognizes Islam, Protestantism, Roman Catholicism, Hinduism, Buddhism, and Confucianism. Members of unrecognized religions have difficulty obtaining national identity cards. Atheism is not accepted. Concern remains regarding the national government's failure to respond to intolerance in recent years. In April 2008, a mosque belonging to Ahmadiyya—a heterodox Islamic group with 400,000 Indonesian followers—was burned down after the Religious Affairs Department recommended that Ahmadiyya be outlawed. In June, a religious tolerance rally was interrupted by anti-Ahmadiyya thugs from the Islamic Defenders Front (FPI). Leaders of the attack were sentenced in October to 18 months in prison for "inciting hatred and instigating violence." As with JI terrorism, however, the government's stance was ambiguous; it issued a decree in June that froze Ahmadiyya activities, falling short of an outright ban. Nevertheless, several district governments have banned Ahmadiyya, and in September the sect and its social organization were banned in the province of South Sumatra. Societal discrimination against Ahmadiyya followers also increased during the year.

A number of districts began issuing ordinances based on Sharia (Islamic law) in 2006. Many are unconstitutional or unclear, leading to problems of enforcement. The national government and various parties are believed to hesitate in addressing the issue because of public and political sensitivities surrounding morality and religion. Many of the bylaws seek to enforce an Islamic dress code, Quran literacy requirements, and bans on prostitution. The Home Ministry was charged with assessing the ordinances, and in 2008 identified 37 for review. In September, however, the newly elected Constitutional Court Chief Justice Mohammad Mahfud declared the Sharia-based bylaws to be unconstitutional and a threat to national integrity. Later that month the DPD and National Law Commission announced the planned creation of a law center to review the ordinances.

Concern over the constitutionality of local regulations was not limited to those based on Sharia. By the end of 2008, out of approximately 8,000 bylaws spread over 500 regions, some 3,000 ordinances were declared "problematic," 973 were annulled, and 250 would likely be revoked.

Academic freedom in Indonesia is generally respected.

Freedom of assembly is usually upheld, and peaceful protests are commonplace in the capital. Authorities have restricted this right in conflict areas, however. Flag-raising ceremonies and independence rallies in Papua are routinely disbanded.

Some human rights groups are subject to monitoring and interference by the government. Independence activists in Papua and in the Moluccas, and labor and political activists in Java and Sulawesi, remain targets for human rights abuses. Sig-

nificant progress was made in 2008 in the case of Munir Said Thalib, a prominent rights activist who died of arsenic poisoning in 2004 while on a flight from Jakarta to Amsterdam. In February, the former chief of the Indonesian airline Garuda was sentenced to a year in prison for his role in Munir's murder. The Supreme Court, which had overturned the initial conviction of airline pilot Pollycarpus Budihari Priyanto in 2006, sentenced him in September to 20 years in prison after new evidence was admitted. However, in December, the former head of the National Intelligence Agency (BIN), Muchdi Purwopranjono, was found not guilty of the premeditated murder of Munir. With his acquittal, no high-level official has yet to be convicted in the Munir murder, nor for any serious human rights abuse since the fall of Suharto. The Human Rights Commissions (Komnas HAM), which investigates abuses of human rights, was backlogged by 2,000 public complaints lodged in 2008 alone, out of approximately 7,000.

Indonesian workers can join independent unions, bargain collectively, and, except for civil servants, stage strikes. However, the labor community is fragmented, and government enforcement of minimum-wage and other labor laws is weak. Domestic workers are currently excluded from Indonesian labor laws. There is estimated to be approximately 2.6 million domestic workers in Indonesia. According to a study by the ILO and the Ministry of Manpower and Transmigration in 2007, approximately 680,000 of these are under the age of 15. A new law on domestic workers was expected to be presented to the DPR, but had not been completed by year's end.

SBY has made judicial reform a key objective and appointed well-known reformers to the positions of attorney general and chief justice of the Supreme Court. A survey conducted by the Hong-Kong based Political and Economic Risk Consultancy (PERC) in 2008 found that Indonesia had the worst judicial system in Asia. A survey conducted by Transparency International in September and December 2008 found that the total sum paid in bribes within the judiciary is greater than in any other sector, including the police force. The Supreme Court remains the slowest of the country's judicial institutions to reform despite receiving particular attention from the current administration. Low salaries for judicial officials and impunity for illegal activity perpetuate the problems of corruption, forced confessions, and influence by military personnel and government officials in the court system. However, the November 2008 execution of three men for the 2002 Bali bombing was a notable sign of the government's ability to pursue and complete a legal process under intense scrutiny.

Indonesia has a separate Constitutional Court with an established record of independent rulings, such as the landmark 2007 decision to overturn defamation-related articles of the penal code. Other rulings, such as the 2006 decision to strip the Judicial Commission of its oversight powers, are viewed more critically.

The future of the Anticorruption Court (Tipikor), where cases brought by the KPK have been tried since 2004, remains unclear. In 2006, the Constitutional Court deemed the Tipikor Court unconstitutional, finding that it created a "duality in the judicial system." While the ruling gave the DPR until 2009 to create a legislative basis for the Tipikor Court, anticorruption campaigners pointed out that if the bill was not passed in 2008, the Tipikor Court could be dissolved, since a new parliament would sit after the April 2009 elections. If the Tipikor Court is dissolved, the KPK will have fewer anticorruption enforcement measures. A proposed bill drafted

by the Department of Justice and Human Rights was submitted to the president's office in July 2008 and from there to the DPR in August, where it remained at the close of the year. While generally considered adequate, several articles will likely trigger debate, especially regarding the composition and ratio of ad hoc to career judges. Ad hoc judges are perceived by anticorruption campaigners to be tougher on suspects.

Members of the security forces regularly go unpunished for human rights violations. These include ongoing low-level abuses in conflict zones like Papua, but they are largely related to land disputes and military involvement in illegal activities such as logging and mining. There were an estimated 280 land disputes involving the military and local communities in 2007. In April the Indonesian Supreme Court overturned the conviction of progovernment militia leader Eurico Guterres, then serving the second year of a 10-year sentence for crimes against humanity committed in East Timor in the wake of the 1999 independence referendum. Guterres was the last of 18 defendants to be acquitted, and the only one ever jailed, for involvement in the East Timor violence. In July, SBY along with the president of East Timor Jose Ramos Horta, accepted the findings of the Commission on Truth and Friendship (CTF), which laid blame for the 1999 human rights abuses on the Indonesian army as well as progovernment militias. Criticized for promoting friendship rather than accountability, the report carries no legal weight and has no powers of prosecution. Some steps were made, however. A military justice bill that would require soldiers to be tried in civilian courts remains under positive consideration in the parliament.

Effective police work has proven critical to Indonesia's recent successes in fighting terrorism, while corruption remains endemic to the force. No investigations have led to convictions of police officers.

Detention laws are generally respected. However, individuals are sometimes arrested groundlessly as part of the counterterrorism campaign. Prisons have reportedly been significant recruiting sites for radical groups, primarily due to corruption and lax controls that allow the circulation of extremist material.

In October 2008, the DPR ratified the Association of Southeast Asian Nations (ASEAN) charter, committing to promote democracy and human rights. The charter entered into effect in December. However, the country has ratified several international human rights charters since 1998, and few domestic laws have been passed to implement them.

Members of Indonesia's minority groups face considerable discrimination. The problem of mining and logging on communal land and state appropriation of land claimed by indigenous Indonesians is most acute in Kalimantan. Ethnic Chinese, who make up less than 3 percent of the population but are resented for reputedly holding the lion's share of the country's wealth, continue to face harassment and occasional violence.

Discrimination against women persists, particularly in the workplace. Trafficking of women for prostitution, forced labor, and debt bondage reportedly continues, despite the passage of a child-trafficking bill and stiffer provisions against trafficking of women. Abortion is illegal, except to save a woman's life. Sharia-like ordinances in a number of districts infringe on women's constitutional rights. In October 2008, the DPR passed an antipornography bill that critics said would victimize

women, in part because it applies not just to published images but to speech and gestures that "incite sexual desire." Significantly, the measure invites the "public" to participate in the discouragement of pornographic acts, which many feared could lead to extrajudicial enforcement. In April 2008, the DPR passed a bill establishing a threshold for female representation in political parties; 30 percent of a party's candidates and board members must be women, under the legislation. While many doubted whether the measure would increase women's chances in the 2009 polls, it was nevertheless hailed as an important achievement.

## ↓ Iran

**Population:** 72,200,000

**Capital:** Tehran

**Political Rights:** 6

**Civil Liberties:** 6

**Status:** Not Free



**Trend Arrow:** Iran received a downward trend arrow due to the mass disqualification of candidates for elected office and the closure of numerous media outlets under President Mahmoud Ahmadinejad.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF

**Overview:** Conservative candidates dominated the March 2008 parliamentary elections after most reformist candidates were disqualified, though many of the conservatives elected were considered to be critics of President Mahmoud Ahmadinejad. Also during the year, the regime continued its crackdown on critical journalists, human rights activists, and other components of civil society, even as the troubled economy began to suffer the effects of a global economic crisis.

In 1979, a revolution ousted Iran's monarchy, which had been marked by widespread corruption and misguided modernization efforts. The revolution mobilized much of the population and brought together diverse political interests, but under the leadership of the previously exiled Ayatollah Ruhollah Khomeini, democratic and secular elements were largely subsumed. The constitution drafted by Khomeini's disciples provided for a president and parliament elected through universal adult suffrage, but an unelected body, the Council of Guardians, was empowered to approve candidates and certify that the decisions of elected officials were in accord with Sharia (Islamic law). Khomeini was named supreme leader and vested with control over the security and intelligence services, armed forces, and judiciary. Soon



after the establishment of the Islamic Republic, Iraqi leader Saddam Hussein launched an invasion to settle a long-running border dispute. The conflict, which lasted from 1980 to 1988, cost over a million lives.

After Khomeini's death in 1989, the title of supreme leader passed to Ayatollah Ali Khamenei, a middle-ranking cleric who lacked the religious credentials and popularity of his predecessor. The constitution was changed to consolidate his power and give him final authority on all matters of foreign and domestic policy. Beneath its veneer of religious probity, the Islamic Republic gave rise to a new elite that accumulated wealth through opaque and unaccountable means. Basic freedoms were quickly revoked, and women in particular experienced severe regression in their status and rights. By the mid-1990s, dismal economic conditions and a demographic trend toward a younger population had created widespread hostility to clerical rule. A coalition of reformers began to emerge within the leadership, advocating a gradual process of political change, economic liberalization, and normalization of relations with the outside world that was designed to legitimize, but not radically alter, the existing political system.

Representing this coalition, former culture minister Mohammad Khatami was elected president in 1997 with nearly 70 percent of the vote. Under his administration, more than 200 independent newspapers and magazines representing a diverse array of viewpoints were established, and the authorities relaxed the enforcement of restrictions on social interaction between the sexes. Reformists won 80 percent of the seats in the country's first nationwide municipal elections in 1999 and took the vast majority of seats in parliamentary elections the following year, with student activists playing a major role in the success of reformist politicians.

The 2000 parliamentary elections prompted a backlash by hard-line clerics that continued through 2006. Over the four years after the polls, the conservative judiciary closed more than 100 reformist newspapers and jailed hundreds of liberal journalists and activists, while security forces cracked down on the ensuing student protests. Significant political and economic reforms were overwhelmingly approved by the parliament only to be vetoed by the Council of Guardians. Despite being reelected with 78 percent of the vote in 2001, Khatami did not challenge the conservative clerics. He ignored pleas by reformist lawmakers to call a referendum to approve vetoed legislation, and implored citizens to refrain from demonstrating in public.

Popular dissatisfaction with the reformists' failures, coupled with the Council of Guardians' rejection of the candidacies of most reformist politicians, allowed hard-liners to triumph in the 2003 municipal and February 2004 parliamentary elections. Emboldened by the victories, the clerical establishment moved to further restrict public freedom and attacked the country's last refuge of free expression—the internet. In October, the head of the judiciary announced that "anyone who disseminates information aimed at disturbing the public mind through computer systems" would be jailed. The government also launched a crackdown on "social corruption," deploying thousands of morality police and vigilantes to enforce dress codes and prevent public mingling of men and women.

The Council of Guardians ensured a reactionary outcome to the June 2005 presidential election by rejecting the candidacies of popular reformists, but the victory of Tehran mayor Mahmoud Ahmadinejad over other approved candidates reflected

popular desires for change. The son of a blacksmith, Ahmadinejad dressed modestly and lived in a working-class neighborhood. As Iran's first nonclerical president in more than two decades, he campaigned on promises to fight elite corruption and redistribute Iran's oil wealth to the poor and middle class.

Ahmadinejad awarded the powerful ministries of Information and the Interior to hard-liners who had been implicated directly in the extrajudicial killings of dissidents and other egregious human rights abuses. He quickly began a wide-ranging purge of the administration, including the dismissal of 40 of Iran's most experienced diplomats and 7 state-bank directors. The president and many of the new appointees were veterans of the Iran-Iraq War.

His government also tightened restrictions on media and announced plans to impose more stringent controls. Human rights suffered, with increasing reports of arrest, torture, and execution. Sharia was more strictly enforced than under Khatami.

The new administration similarly struck a more confrontational tone on foreign policy matters. In addition to continuing Iran's support for terrorist and other militant groups in Lebanon, the Palestinian territories, and Iraq, it resumed and expanded the country's uranium-enrichment program, drawing condemnation from the international community and rebukes from the International Atomic Energy Agency (IAEA). Ahmadinejad himself made remarks that stoked fears of nuclear proliferation, and his repeated calls for the destruction of Israel and expressions of doubt about the reality of the Holocaust fed suspicions that Iran's nuclear program, ostensibly devoted to generating electricity, was in fact aimed at weapons production.

As a result of critical IAEA reports and faltering diplomatic efforts to halt Iran's uranium enrichment, the UN Security Council in December 2006 voted to impose sanctions and ban the sale to Iran of materials that could be used for nuclear or missile programs. The United States announced its own new sanctions after another negative assessment by the IAEA in February 2007. The UN sanctions were expanded in March 2008 as negotiations remained at an impasse, and a multilateral meeting in July that included U.S. Under Secretary of State for Political Affairs William Burns—marking the highest-level encounter between U.S. and Iranian officials in several years—failed to produce a breakthrough.

In the December 2006 municipal and Assembly of Experts elections, voters signaled their disapproval of the administration's performance by supporting far more moderate officials. Carefully vetted conservative candidates won nearly 70 percent of the seats in the March 2008 parliamentary elections, but many of those were considered to be critics of Ahmadinejad, and particularly of his economic policies. The economy had deteriorated in the face of sanctions, mismanagement, and rampant inflation, and it faced new challenges in 2008 as oil prices soared to \$147 per barrel in July before plummeting to \$67 per barrel by October amid a global economic crisis.

The regime continued to crack down on reformists in 2008. The authorities particularly targeted women's rights defenders, reformist scholars, and others from the Iranian community abroad, accusing them of being agents for foreign powers and seeking to destabilize the country.

### Political Rights and Civil Liberties:

Iran is not an electoral democracy. The most powerful figure in the government is the supreme leader (*Vali-e-Faghih*), currently Ayatollah Ali Khamenei; he is chosen

by the Assembly of Experts, a body of 86 clerics who are elected to eight-year terms by popular vote, from a government-screened list of candidates. The supreme leader is head of the armed forces and appoints the leaders of the judiciary, the chiefs of state broadcast media, the commander of the Iranian Revolutionary Guard Corps (IRGC), the Expediency Council, and half of the Council of Guardians. Although the president and the parliament, both with four-year terms, are responsible for designating cabinet ministers, the supreme leader exercises *de facto* control over appointments to the ministries of Defense, the Interior, and Intelligence.

All candidates for the presidency and the 290-seat, unicameral parliament (the Islamic Consultative Assembly) are vetted by the Council of Guardians, which consists of six clergymen appointed by the supreme leader and six civil law experts selected by the head of the judiciary, all for six-year terms (the latter are nominally subject to parliamentary approval). International bodies that monitored the March 2008 parliamentary elections concluded that the majority of reformist candidates, particularly those close to former president Mohammad Khatami, were barred from running for office by the Council of Guardians. This drew criticism even from Hassan Khomeini, the conservative grandson of the late Ayatollah Ruhollah Khomeini. One reformist parliamentarian, Nouradin Pirmoazen, was accused of treason for granting Voice of America an interview in which he criticized the vetting process.

The Council of Guardians also has the power to reject legislation approved by the parliament; disputes between the two are arbitrated by the Expediency Council, another unelected, conservative-dominated body. It is currently headed by former president Ali Akbar Hashemi Rafsanjani, who has sided with the reformist camp to curb the influence of his rival, current president Mahmoud Ahmadinejad. Rafsanjani was also chosen to head the Assembly of Experts in September 2007, after the previous leader died.

The IRGC's influence within Iran continues to mount, as it now wields military, political, and economic power. The Ministry of the Interior may have passed a regulation in 2007 that formally incorporates the IRGC into the vetting process for political candidates, but regardless, the informal interference of the security force in elections remains influential. Former members of the IRGC, including Ahmadinejad, hold key positions within the government, and it has been awarded the right of first refusal for government contracts, some of which have been extremely lucrative.

Corruption is pervasive. The hard-line clerical establishment has grown immensely wealthy through its control of tax-exempt foundations that monopolize many sectors of the economy, such as cement and sugar production. Iran was ranked 141 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is severely limited. The government directly controls all television and radio broadcasting. Satellite dishes are illegal, and while they are generally tolerated, there have been increasing reports of dish confiscation and steep fines. The authorities have had some success in jamming broadcasts by dissident overseas satellite stations, and cooperation with Persian-language satellite channels is banned. The government also began cracking down on unauthorized telecommunications lines in 2007, cutting them to halt "illegal international contacts." Even the purchase of satellite images from abroad is illegal.

Press freedom remains extremely limited. The Ministry of Culture must approve

publication of all books and inspects foreign books prior to domestic distribution. The Press Court has extensive procedural and jurisdictional power to prosecute journalists, editors, and publishers for such vaguely worded offenses as "insulting Islam" and "damaging the foundations of the Islamic Republic." The authorities frequently issue ad hoc gag orders banning media coverage of specific topics and events. Despite a period of greater press freedom between the initial election of Khatami and a series of student protests in 1999, threats against and arrests of Iranian journalists have increased in recent years. Many journalists are barred from leaving Iran. In the first quarter of 2008 alone, 17 newspapers were banned by the Commission for Press Authorization and Surveillance.

The Ahmadinejad government holds that the duty of the media is to report and support government actions, not comment on them. Fear of stepped-up penalties has reinforced a trend toward self-censorship and inhibited public criticism of the president. The use of "suspicious sources" or sources that criticize the government are forbidden. The Association of Iranian Journalists (AIJ) reported in 2007 that the profession had suffered in quality and investment due to the government's crackdown on independent newspapers. The organization has been systematically harassed by the government and pressured to include progovernment journalists within its ranks, and in June 2008, the labor minister accused it of being an illegal organization that could face closure.

Journalists are subject to arbitrary detention and criminal penalties including the death sentence, and ethnic minority journalists appear to be particularly vulnerable. In 2007, two Iranian Kurdish journalists were sentenced to death for being "enemies of God" and endangering national security. Those arrested or sentenced to prison in 2008 included Kurds, Arabs, and Azeris. Journalists and bloggers who supported women's rights were also targeted, as were those with real or suspected connections abroad. In one case, Esha Momeni, an Iranian American graduate student filming a documentary as part of her master's thesis, was arrested for a traffic violation on October 15 and then held incommunicado in Evin prison. She was released in November but was prohibited from leaving Iran through the year's end.

Internet use in Iran has skyrocketed in recent years, increasing from 7.5 million users in 2005 to 23 million in 2008—an increase of 25 percent of the population. Recognizing the influence of this medium, the government systematically censors internet content by forcing internet service providers (ISPs) to block access to a growing list of "immoral" or politically sensitive sites. In 2006, the authorities announced the creation of a central filtering facility that would block unauthorized websites, identify internet users, and keep a record of sites visited. As of January 2007, Iranian bloggers were also required to register with the Guidance Ministry, although measure has proven largely ineffective. The number of blocked websites rose sharply ahead of the March 2008 parliamentary elections, and both reformists and anti-Ahmadinejad conservatives were affected. Sites associated with women's rights advocacy were also targeted during the year. In May 2008 alone, 18 websites were blocked, 14 of which belonged to women's rights activists. In July 2008, a bill legalizing the death penalty for "the creation of weblogs and websites promoting corruption, prostitution and apostasy" was passed by the parliament. Popular Iranian Canadian blogger Hussein Derakhshan was arrested in Tehran on November 1 during a visit home.

This controversial and influential blogger was charged with "insulting religious figures" in late December and remains in custody.

Religious freedom is limited in Iran, which is largely Shiite Muslim but includes Sunni Muslim, Baha'i, Christian, Jewish, and Zoroastrian minorities. Shiite clerics who dissent from the ruling establishment are frequently harassed. The Special Court of the Clergy investigates religious figures for alleged crimes and has generally been used to persecute clerics who stray from the official interpretation of Islam. Ayatollah Seyd Hussain Kazemeini Boroujerdi, a cleric who believes in separation of religion and politics, is currently serving 11 years in prison for his beliefs and has been unable to obtain treatment for his multiple ailments. Another reformist cleric, Hadi Qabel, was defrocked by the Special Court and sentenced to 40 months in jail beginning in April 2008 for his involvement with a reformist political party.

Sunnis enjoy equal rights under the law but face discrimination in practice; there is no Sunni mosque in Tehran, and few Sunnis hold senior government posts. In late December 2008, a suicide bomber drove into the headquarters of security forces in Saravan, killing 4 people and wounding 12 others. The Sunni militant group Jundallah allegedly claimed responsibility for the attack, and Iranian authorities accuse the U.S. and Britain of supporting the group.

Sufi Muslims have also faced persecution by the authorities. The constitution recognizes Zoroastrians, Jews, and Christians as religious minorities, and they are generally allowed to worship without interference, so long as they do not proselytize. Conversion by Muslims to a non-Muslim religion is punishable by death. The non-Muslim minorities are barred from election to representative bodies (though a set number of parliamentary seats are reserved for them), cannot hold senior government or military positions, and face restrictions in employment, education, and property ownership. Some 300,000 Baha'is, Iran's largest non-Muslim minority, are not recognized in the constitution, enjoy virtually no rights under the law, and are banned from practicing their faith. Hundreds of Baha'is have been executed since the Islamic Revolution in 1979. Baha'i students are often barred from attending university and prevented from obtaining their educational records. Seven Baha'i leaders were arrested in 2008, and after prominent human rights lawyer Shirin Ebadi became involved in their case, state-controlled media outlets accused her daughter of converting to the Baha'i faith.

Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views, and students involved in organizing protests face suspension or expulsion. Student organizations have been sidelined since the election of Ahmadinejad, and even peaceful protesters are attacked and arrested. Three members of the organization Students Seeking Freedom and Equality who were arrested in December 2007 remained in custody during 2008 for their alleged intent to stage a protest, and a fourth member, Ali Kantouri, was arrested in January. He was hospitalized after his arrest and transferred to several different prisons within Iran, but was released in May on bail. His trial was held in August, but the court had not returned its verdict by year's end. More than 40 members of the student organization have been arrested in recent years and allegedly subjected to mistreatment and torture. Among other students detained during 2008, two Isfahan University students were arrested in June and sentenced to three and six years of prison and internal exile to a prison in a small village for allegedly contacting Kurdish

opposition groups. Separately, legal scholar Mehdi Zakerian was arbitrarily detained weeks before his scheduled departure to teach at the University of Pennsylvania in the United States.

The 1979 constitution prohibits public demonstrations that "violate the principles of Islam," a vague provision used to justify the heavy-handed dispersal of assemblies and marches. Vigilante and paramilitary organizations that are officially or tacitly sanctioned by the conservative establishment—most notably the Basij militia and Ansar-i Hezbollah—play a major role in breaking up demonstrations. In February 2008, the Tehran University chancellor was replaced after students protested his administration for nearly two weeks, and in March, 12 students from Shiraz University were arrested for taking part in a protest against administration policies and living conditions in dormitories.

Under the pretense of "countering immoral behavior," the government also disrupts private gatherings. The Basij carried out thousands of home raids in 2007, arresting more than 150,000 people and forcing them to sign commitment letters promising to observe official dress codes and adhere to moral standards. In February 2008, over 30 men were arrested after a raid on a private party. Detained for weeks without charge, they were subjected to medical examinations aimed at detecting homosexual activity.

The constitution permits the establishment of political parties, professional syndicates, and other civic organizations, provided they do not violate the principles of "freedom, sovereignty, and national unity" or question the Islamic basis of the republic. Human rights discourse and grassroots activism are integral parts of Iranian society. However, the security services routinely arrest and harass secular activists as part of a wider effort to control and regulate the activities of nongovernmental organizations (NGOs). Although permits are not required by law, the Ministry of the Interior has been imposing them and shutting down organizations that do not seek or qualify for them. Reflecting this practice, the offices of Human Rights Defenders Centre, run by Shirin Ebadi, were closed and raided by authorities in December 2008 for allegedly operating without a license for its activities. Ebadi, an outspoken critic of the regime's human rights abuses and the 2003 Nobel Peace Prize laureate, argues that the organization has permission to operate but that the authorities have refused to hand over the proper documentation.

Iranian law does not allow independent labor unions, though workers' councils are represented in the Workers' House, the only legal labor federation. Mansour Osanloo, head of the bus drivers' association, was sentenced to five years in prison in 2007 for his alleged involvement in a 2006 strike. In October 2008, a strike by bazaar merchants spread through Iran's larger cities in response to Ahmadinejad's imposition of a value-added tax. Even after the tax was temporarily suspended, the bazaar's jewelry, textile, and carpet shops remained shuttered in solidarity. The strike, which lasted over a week, was viewed as a protest against Ahmadinejad's economic policies, international sanctions, and the inflation rate of nearly 30 percent. Several people in Isfahan were reportedly arrested for their participation. In November 2008, hundreds of workers reportedly walked out on their jobs at Pars Khodro, a domestic automobile manufacturer, to protest the company's failure to pay their wages and other benefits.

The judicial system is not independent, as the supreme leader directly appoints the head of the judiciary, who in turn appoints senior judges. General Courts osten-

sibly safeguard the rights of defendants, but in practice, suspects are frequently tried in closed sessions without access to legal counsel. Political and other sensitive cases are tried before Revolutionary Courts, where due process protections are routinely disregarded and trials are often summary. Dissident clerics are tried before the Special Court for the Clergy. The country's penal code is based on Sharia and provides for flogging, stoning, amputation, and hanging for a range of social and political offenses; these punishments are carried out in practice.

During Ahmadinejad's term as president, Iran's execution rate has increased by nearly 300 percent, and those convicted of adultery again face the death sentence. On July 27, 2008, alone, 29 men were hanged, although the government claimed responsibility for 10 deaths that day. In March 2008, women's rights activists welcomed the release of Mokarrameh Ebrahimi, who had spent 11 years on death row awaiting execution by stoning for adultery.

Iran is responsible for 26 of the 32 juvenile executions worldwide between 2005 and 2008. Although it has ratified two treaties on children's rights, well over 100 juvenile offenders currently await execution in the country. In October 2008, the government announced that it would no longer execute juveniles, but it later clarified that the death penalty remained an option under the parallel "retribution" system, in which the sentence is imposed by the victim's family rather than the state. This would be allowed for male offenders over the age of 15 and female offenders as young as 9. Juveniles convicted of offenses related to narcotics, however, are now prohibited from facing the death penalty. Eight juvenile offenders were allegedly executed in Iran in 2008, while 130 remain on death row.

Although the constitution prohibits arbitrary arrest and detention, such abuses are increasingly routine, often in the form of temporary disappearances in which the family members of persons detained are not notified for days or weeks. Such arbitrary detention is a tool used by the regime to intimidate and silence dissidents and encourage self-censorship. Suspected dissidents are often held in unofficial, illegal detention centers, and allegations of torture are common there and in the notorious Evin prison. A 2004 law banned torture in interrogations, but reports of the practice persisted in 2008. Political prisoners are held under deplorable conditions, and those who take up their cause are also prosecuted. Prison conditions in general are notoriously poor, and there are regular allegations of abuse and death in custody. Two doctors, Arash and Kamyar Alaei, were arbitrarily arrested in 2008 and held at an unknown location. The brothers, HIV/AIDS specialists with no known political agenda, were reportedly being pressured to implicate themselves in a plot to overthrow the government. Emadeddin Baghi, a human rights advocate, was released in October 2008 after spending nearly a year in Evin prison. Charged with violating national security after he published the book *The Tragedy of Democracy in Iran*, he suffered two heart attacks while in prison and was held in solitary confinement despite doctor recommendations that he be released for medical treatment. New charges were brought against him while imprisoned for criticizing the treatment of another jailed human rights advocate. In July 2008, an appeals court upheld the death sentence against Farzad Kamangar for his alleged membership in the Party for Free Life in Kurdistan (PJAK), a separatist group linked to the Kurdistan Workers' Party (PKK) of Turkey, although the prosecution offered no evidence of this during his five-minute trial.

The constitution and laws call for equal rights for all ethnic groups, allowing considerable cultural and linguistic freedom, but in practice these rights are restricted by the authorities. Ethnic Kurds, Arabs, Baluchis, and Azeris complain of political and economic discrimination. Kurdish opposition groups suspected of separatist aspirations, such as the Democratic Party of Iranian Kurdistan (KDPI), are brutally suppressed. PJAK conducted a number of guerrilla attacks in 2007, and four members of PJAK were reportedly killed by the Basij near the Iraq-Iran border in October 2008.

Freedom of movement is routinely restricted in Iran. Political activists are often banned from leaving the country after completing prison sentences or being released on suspended sentences. In March 2008, feminist journalist Parvin Ardalan was prevented from traveling to Sweden to collect the Olof Palme Prize. Security services have been known to confiscate passports or interrogate travelers on their return from conferences abroad.

Women are widely educated; 94 percent of secondary-school-aged girls attend school, compared to only 80 percent of boys, and a majority of university students are female. Although Iranian women currently hold seats in parliament, they are barred from serving as judges and are routinely excluded from running for office. A woman cannot obtain a passport without the permission of her husband or a male relative, and women do not enjoy equal rights under Sharia statutes governing divorce, inheritance, and child custody; some of these inequalities are accompanied by greater familial and fiscal responsibilities for men. A woman's testimony in court is given only half the weight of a man's, and the monetary damages (blood money) awarded to a female victim's family upon her death is half that owed to the family of a male victim. Women must conform to strict dress codes and are segregated from men in some public places, and there has been a crackdown in recent years on women deemed to be dressed immodestly. A bill under consideration in 2008 would have ended the need for a husband to seek the permission of his current wife before taking another and would have increased penalties for women who married foreigners without government permission, among other provisions. However, the bill was tabled indefinitely after intense protests by women's rights activists.



## ↑ Iraq

**Population:** 29,300,000  
**Capital:** Baghdad

**Political Rights:** 6  
**Civil Liberties:** 6  
**Status:** Not Free



**Trend Arrow:** Iraq received an upward trend arrow due to an improvement in the security situation and the Sunni community's increased participation in the political process.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,5NF	7,5NF	6,5NF	6,6NF	6,6NF	6,6NF

### Overview:

After two failed attempts, the parliament in October 2008 passed a law establishing a framework for provincial elections, and the polls were scheduled for January 2009. Also in 2008, the parliament made a number of concessions to Sunni Arabs, and the main Sunni Arab political bloc returned to the government after a lengthy boycott. The security situation improved considerably during the year, mostly due to Sunni groups' willingness to cooperate with the central government and the United States. Sectarian violence remained common nonetheless, and the recent political and security improvements were considered tenuous.

The modern state of Iraq was established after World War I as a League of Nations mandate administered by Britain. The British installed a constitutional monarchy that privileged the Sunni Arab minority at the expense of Kurds and Shiite Arabs. Sunni Arab political dominance continued after independence in 1932 and even after the monarchy was overthrown by a military coup in 1958. The Arab nationalist Baath party seized power in 1968, and the new regime's de facto strongman, Saddam Hussein, assumed the presidency in 1979.

Hussein brutally suppressed all opposition and made foreign policy decisions that placed a heavy burden on the country. Iraq fought a destructive war with Iran from 1980 to 1988, and then invaded Kuwait in 1990. Iraqi forces were ousted from that country by a U.S.-led coalition the following year. After the war, the United Nations imposed economic sanctions on Iraq intended to limit its military capacity, force Hussein to allow weapons inspectors to monitor Iraq's alleged weapons of mass destruction (WMD) program, and compel Iraq into resolving its border dispute with Kuwait. The sanctions remained in place for over a decade and caused widespread humanitarian suffering without achieving the intended goals.

Following the establishment of a U.S.-enforced no-fly zone north of the 36th parallel in 1991, most of the three northern provinces of Erbil, Duhok, and Sulimaniyah

came under the control of the Kurdistan Democratic Party (KDP) and the Patriotic Union of Kurdistan (PUK). Tensions between the two factions erupted into open civil warfare in the mid-1990s, and in 1996, between 30,000 and 40,000 Republican Guards captured Erbil in collaboration with Barzani's KDP. Competing Kurdish factions eventually reconciled and established an autonomous Kurdistan Regional Government (KRG).

In 2002, U.S. president George W. Bush designated Iraq's alleged WMD program a threat to American national security and committed his administration to engineering Hussein's ouster. A U.S.-led military coalition invaded Iraq in March 2003 and established a Coalition Provisional Authority (CPA) to administer the country. The CPA disbanded Iraq's military and prevented members of the Baath party from serving in government or the new security forces. The lack of a viable military and a dearth of foreign soldiers created a security vacuum, leading to widespread looting, damage to infrastructure, and acute electricity and water shortages. The WMDs that inspired the war were never found.

Sunni Arabs, who constitute roughly 20 percent of the population, were disproportionately affected by de-Baathification policies and wary of participating in a political transition that could confirm their loss of standing within the government by handing power to the Shiite majority. Exploiting these sentiments, loose networks of former Baathist officials, Sunni Arab tribe members, and al-Qaeda militants began organizing and funding an insurgency that rapidly gained strength in late 2003 and 2004.

In spite of the escalating insurgency, the CPA-appointed Iraqi Governing Council (IGC) adopted a Transitional Administrative Law (TAL) to serve as the country's interim constitution in March 2004. In June, the CPA and IGC transferred sovereignty to an Iraqi Interim Government (IIG).

Elections for a 275-seat Transitional National Assembly (TNA), along with simultaneous elections for provincial governments, were held in January 2005. Insurgents' calls for a boycott and threats of violence led the vast majority of Sunni Arabs to stay away from the polls, handing a landslide victory to the Shiite-led United Iraqi Alliance (UIA) and a Kurdish coalition. After three months of negotiations, the TNA selected a new Iraqi Transitional Government (ITG). The meager representation of Sunni Arabs in the TNA gave them little voice in drafting a permanent constitution. The final text clearly reflected the regional and other interests of the Shiite and Kurdish coalitions.

The charter was approved by referendum in October 2005, though more than two-thirds of voters in two Sunni Arab provinces rejected it. Under a compromise brokered as a concession to Sunni demands, the first elected parliament would form a Constitutional Review Committee to determine whether the document should be amended.

Thanks in part to Shiite and Kurdish dominance of the ITG, Shiite party militias were able to infiltrate the Interior Ministry's police and counterinsurgency forces, and extrajudicial detentions and killings by both the militias and militia-dominated police units became common during 2005 and 2006. Sunni militias responded, and an intense cycle of sectarian conflict ensued, focusing on areas where Sunni and Shiite Arabs lived in close proximity. Ethnically cleansed or segregated neighborhoods soon became a fixture in Baghdad and other multiethnic provinces.

Sunni Arabs participated in the December 2005 elections for a full-term parliament, increasing their political representation. After a four-month negotiating deadlock, Nouri al-Maliki of the Shiite Da'wa party was chosen as prime minister. However, further political progress remained elusive; the main Sunni Arab bloc in parliament and the Shiite faction loyal to populist cleric and militia leader Moqtada al-Sadr both began a boycott of the legislature in 2007. Also that year, the parliament's Constitutional Review Committee offered interim recommendations on amendments to satisfy Sunni Arab demands, but the panel was subsequently dormant.

The parliament adopted several symbolic measures in 2008 to bring Sunni Arabs back into the political process. In January, many former Baathists were permitted to return to jobs they lost under the CPA's de-Baathification process, and in February, the government granted amnesty to thousands of mainly Sunni Arab prisoners. The largest Sunni bloc returned to government in April after a boycott of almost a year, and six Sunni ministers subsequently joined al-Maliki's cabinet.

While the parliament in February produced a preliminary plan for provincial elections, Iraq's presidency council vetoed it, delaying the polls until after an October deadline set by the United States. A revised election bill passed by the parliament in July included equal representation for Kurds, Turkmen, and Arabs in the oil-rich city of Kirkuk. Kurdish and some Shiite lawmakers refused to participate in the parliamentary vote, and the presidency council vetoed that bill as well. Under a final compromise signed into law in October, elections were set for January 2009, except in Kirkuk and the three Kurdish provinces. Voting in Kirkuk would be postponed until a committee comprised of Kurds, Turkmen, and Arabs could submit a plan to the parliament in the spring of 2009.

The new provincial elections law introduced several important procedural changes from the 2005 polls. Voters would vote for candidates rather than for party lists; a 25 percent quota was set for female provincial council members; the law did not apply to the autonomous Kurdish area, where the regional parliament still had to write its own provincial election law; the use of religious symbols in campaigning would be restricted; and finally, the new measure excluded a provision in the July draft that would have reserved a total of 15 seats in six provinces for Christians and other religious minorities. Separate legislation signed in November set aside just 6 seats across three provinces for these minorities, out of a nationwide total of 440 provincial council seats. Christians in Baghdad, Nineveh and Basra each received one seat; Yazidis and Shabak in Nineveh each received one seat; and Sabeans in Baghdad received one seat.

Civilian deaths from sectarian violence dropped substantially after the arrival of 30,000 additional U.S. troops in 2007, but sectarian killings nonetheless remained common in 2008. More than 50 Shiite pilgrims were killed en route to a shrine in Karbala in February. In the same month, gunmen kidnapped and killed the Chaldean Christian archbishop of Mosul. Another 60 people were killed and 75 wounded in an explosion at a bus terminal in a Shiite neighborhood of Baghdad in June. A female suicide bomber killed 17 people in Kirkuk as Kurds protested the proposed election law in July; on the same day, two female suicide bombers killed 32 Shiite pilgrims in Baghdad. In October, widespread violence against Christians in Mosul prompted 8,300 to flee the city.

Meanwhile, coalition forces continued to transfer security responsibility to the

Iraqi authorities in relatively stable provinces. Awakening Councils, groups of local Sunnis who turned against extremist violence and began to cooperate with U.S. and Iraqi government forces in exchange for a monthly salary, assumed security responsibilities in previously violent areas. In October 2008, the Iraqi government took command of all 54,000 members of the Awakening Councils.

In other cases during year, however, the Iraqi army proved unable to guarantee security independently. In March, Iraqi forces launched an offensive against al-Sadr's Mahdi Army militia in Basra. The attack was poorly planned and executed, and fighting spread to Baghdad's Sadr City district. U.S. and British forces were ultimately forced to come to the aid of their Iraqi counterparts. The fighting in Basra ended after the government agreed to an amnesty for al-Sadr's supporters and the release of Sadrist detainees who had not been convicted of a crime. Fighting in Sadr City continued until late May, when a ceasefire deal allowed Iraqi security forces to take control.

After months of negotiations, the Iraqi government signed a comprehensive security agreement with the United States in December that called for a complete U.S. troop withdrawal by the end of 2011. The deal, which replaced a UN mandate on the U.S. occupation that was due to expire at year's end, was subject to approval in a referendum to be held in July 2009. Among other provisions, the new pact set a U.S. troop pullout from urban areas for June 2009 and gave Iraqi courts and officials more control over U.S. military operations. To win Sunni Arab cooperation in passing the agreement, the parliament also passed a nonbinding resolution aimed at releasing detainees from Iraqi prisons and adjusting the ethnic composition of the security forces. The agreement came after months of arduous negotiations in which the parliament and cabinet publicly asserted their independence from Washington. At a certain point, chances for a security agreement looked bleak, and the KRG even suggested that it would be willing to conclude an independent agreement with the United States if the central government were unable to.

Cross-border activity by Turkey's Kurdish Workers' Party (PKK) rebel group remained a separate source of instability in northern Iraq, with Turkish forces repeatedly shelling suspected PKK positions in remote areas of Iraq's Kurdish region. In February 2008, Turkey launched a weeklong ground invasion aimed at PKK guerrilla bases. Air strikes and cross-border raids continued intermittently for the rest of the year.

Though many refugees returned to Iraq in the early months of 2008, about two million remained abroad as of August, and another 2.8 million remained displaced within Iraq. The government has indicated that it will remove internally displaced persons (IDPs) from property they do not own. In addition, water and electricity infrastructure continued to fall short in every province.

### **Political Rights and Civil Liberties:**

Iraq is not an electoral democracy. Although it has conducted meaningful elections, the country remains under the influence of a foreign military presence and impairments caused by sectarian and insurgent violence. Under the constitution, the president and two vice presidents are elected by the parliament and appoint the prime minister, who is nominated by the largest parliamentary bloc. Elections are held every four years. The prime minister forms a cabinet and runs the executive functions of

the stale. The parliament consists of a 275-seat lower house, the Council of Representatives, and a still-unformed upper house, the Federal Council, which would represent provincial interests. Political parties representing a wide range of viewpoints operate without restrictions, but the Baath party is officially banned. The Independent Electoral Commission of Iraq (IECI), whose nine-member board was selected by a UN advisory committee, has sole responsibility for administering elections.

Home to one-fifth of the country's population, the autonomous Kurdish region constitutes a distinct polity within Iraq, boasting its own flag, military units, and language, as well as a 111-seat regional legislature dominated by the PUK and KDP. The entity's political leaders continue to profess their commitment to remaining part of a federal Iraqi state. Yet some reports indicate that Arab Iraqis are legally recognized as "foreigners" in the Kurdish region, and the KRG has negotiated independent agreements with foreign energy companies and international investors. It has also indicated that it may be willing to negotiate a separate treaty with the United States.

The status of oil-rich Kirkuk remains one of Iraq's most contentious issues. The historically Kurdish city was forcibly Arabized under Saddam Hussein, but many Kurds returned after the U.S.-led invasion. The various population shifts have left it multiethnic and multisectarian. The Kurds have sought to incorporate the city into the KRG, but many Arabs and some other groups insist on central government control. The constitution and the 2008 provincial election law both postponed a final decision on the question.

Iraq is plagued by pervasive corruption at all levels of government. The problem has seriously hampered reconstruction efforts, and the British Broadcasting Corporation estimated in June 2008 that approximately \$23 billion was missing, having been siphoned off from ministries or invested in projects with U.S. companies that were not properly completed. Even an October 2008 cholera outbreak in Babil province was blamed on corruption, as local officials were reportedly bribed into using expired chlorine for water treatment. Thirty-one members of Iraq's anticorruption authority were killed between 2003 and 2008. Iraq was ranked 178 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is protected by the constitution and generally respected by the authorities. However, it has been seriously impeded by sectarian tensions and fear of violent reprisals. Over a dozen private television stations are in operation, and major Arab satellite stations are easily accessible. More than 150 print publications have been established since 2003 and are allowed to operate without significant government interference. Internet access is not restricted.

Legislation passed in 2006 criminalized the ridicule of public officials, and a number of Iraqi journalists have been charged with the offense. The government also established a unit to monitor journalists and media outlets and to correct "false news." Journalists face prosecution if they refuse the official correction.

Violent retributions against journalists have hindered their ability to report widely and objectively. As many as 222 journalists and media workers, most of them Iraqis, have been killed in the country since 2003, making the conflict the deadliest for journalists since World War II. Dozens have also been abducted by insurgents and militias or detained without charge or disclosure of supporting evidence by U.S. forces on suspicion of aiding and abetting insurgents. The Interior Ministry estab-

lished a hotline for journalists facing threats in 2008, leading to at least one arrest. The prime minister's office has proposed a new law protecting journalists that had not yet been made public or debated by the parliament at year's end.

Journalists operate more freely in the Kurdish region and successfully fought a law introduced in 2007 that would have allowed prison terms and large fines for reporters and editors. A new version of the Kurdish press law was passed in October. The law prohibits the imprisonment of journalists and the closure or suspension of newspapers. While vague proposals to punish journalists threatening national security or "common values" were dropped, it became a crime to create instability, spread fear or intimidation, cause harm to people, or violate religious beliefs. Journalists and newspapers face fines for violating the law. Journalists who offend local officials and top party leaders or expose high-level corruption remain subject to physical attacks, arbitrary detention, and harassment. Kurdish broadcast media are dominated by the two main political parties, but independent print outlets and internet sites have arisen in recent years.

Freedom of religion is guaranteed by the constitution, and religious institutions are allowed to operate with little formal oversight. However, all religious communities in Iraq have been threatened by sectarian violence, particularly since 2006. A 2007 terrorist bombing killed over 400 Yazidis in northern Iraq, and a series of attacks on Christians in Mosul in the fall of 2008 prompted thousands to flee the city. Estimates of the Christian population that has sought safety abroad since 2003 reach into the hundreds of thousands. Religious and ethnic minorities in northern Iraq—including Turkmen, Arabs, Christians, and Shabaks—have reported instances of discrimination and harassment by Kurdish authorities, though a number have fled to the Kurdish-controlled region due to its relative security. While sectarian violence subsided in much of the country in 2008, formerly mixed neighborhoods are now much more homogeneous.

Given the Shiite majority presence in government, state preference has been given to protecting and funding Shiite holy sites and religious leaders. However, sectarian relations have improved along with the drop in violence; Sunni Friday prayers were broadcast on Iraqi television in 2007 for the first time since 2003.

Academic institutions operate in a highly politicized and insecure environment. The Ministry of Higher Education estimates that 240 lecturers were killed between 2003 and 2007, and that over 2,000 academics have fled the country, to the benefit of newly established private universities in Syria.

Rights to freedom of assembly and association are recognized by the constitution and generally respected in practice. The constitution guarantees these rights "in a way that does not violate public order and morality." Domestic and international nongovernmental organizations (NGOs) are able to operate without legal restrictions, though security constraints severely limit their activities in many regions, and only large, well-funded international NGOs are able to operate under the necessary security precautions. The lack of a legal framework and registration system for NGOs also hinders their ability to function and attract donor funds.

The constitution provides for the right to form and join professional associations and unions, although Iraq's 1987 labor law remains in effect, prohibiting unionization in the public sector. Union activity has flourished in nearly all industries since 2003, and strikes have not been uncommon. In 2005, the ITG promulgated Decree

8750, which gave authorities the power to seize all union funds and prevent their disbursal. Though it promised that a new labor law would be passed under the permanent government, no such law has been forthcoming, even though a pro-union parliamentary committee was established to revise the decree and advance International Labor Organization-compliant labor laws that were drafted in 2004.

Judicial independence is guaranteed in the constitution. The Higher Judicial Council (HJC)—headed by the chief judge of the Federal Supreme Court and composed of Iraq's 17 chief appellate judges and several judges from the Federal Court of Cassation—has administrative authority over the court system. In practice, however, judges have come under immense political and sectarian pressure and have been largely unable to pursue cases involving organized crime, corruption, and militia activity, even when presented with overwhelming evidence. Indeed, the Ministry of Justice is largely impotent for reasons linked both to the current situation and to Saddam-era politics. Iraqi citizens turn to local militias and religious groups to dispense justice before the Ministry of Justice.

Persons accused of committing war crimes, genocide, and crimes against humanity fall under the jurisdiction of the Iraqi High Tribunal (IHT), previously known as the Iraq Special Tribunal. The IHT statute does not explicitly require that guilt be proven beyond a reasonable doubt and lacks adequate safeguards against self-incrimination. International observers noted numerous irregularities in the trial that culminated in the execution of Saddam Hussein in December 2006.

The criminal procedure code and the constitution prohibit arbitrary arrest and detention, though both practices are common in security-related cases. There have been credible reports of illegal detention facilities run by the Interior Ministry and party-sponsored militias. The constitution prohibits all forms of torture and inhumane treatment and affords victims the right to compensation, but neither coalition nor Iraqi authorities have established effective safeguards against the mistreatment of detainees. Allegations of torture by security services have been serious and widespread. KRG laws similarly prohibit inhumane treatment of detainees, but it is widely acknowledged that Kurdish security forces practice illegal detention and questionable interrogation tactics. Detainees in coalition custody have also experienced torture and mistreatment. The U.S. military anticipated holding 15,000 prisoners in Iraq by the end of 2008, down from over 26,000 in 2007. The November agreement governing the future relationship between the United States and Iraq relationship included a non-binding resolution to bring amnesty to prisoners in Iraq.

There is a critical lack of centralized control over the use of force in Iraq. Though the Iraqi government succeeded in bringing large areas of Iraq under its control in 2008, insurgents, militias, and criminal gangs were responsible for the mistreatment and killing of thousands of civilians during the year. The participation of the Awakening Councils has been a key to the reduction in violence, and future gains depend on continued Sunni cooperation. At the end of the year, the United States had transferred security responsibility for 14 provinces, including Baghdad, to the Iraqi government. The U.S. military retained control of four provinces, including Anbar, Nineva, Kirkuk and Salah el-Din.

The constitution promises women equal rights under the law, and they are guaranteed 25 percent of the seats in the legislature. Women began to resume their participation in public life in 2008 as the security situation improved. While they still

faced serious social pressure and restrictions, they returned to jobs and universities. Still, reports at the end of the 2007-08 academic year indicated that up to 30 percent of families in certain areas had removed their daughters from primary and secondary schools for fear of violence. In the Kurdish region, women do not suffer the same harassment as in other parts of Iraq, and they are not forced to abide by religious codes or cultural restrictions. They are free to travel and are very active in civic life, although their political power is limited.

## Ireland

**Population:** 4,400,000

**Capital:** Dublin

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**Bertie Ahern was forced to step down as prime minister in May 2008, after a long-running investigation into his previous activities as finance minister undermined his position. His replacement, Brian Cowen, was not expected to substantially change government policy, but he took over at a difficult time. By voting "no" on the Lisbon Treaty, which had aimed to reorganize the European Union's institutions and other functions, Ireland in June garnered international attention and brought the bloc's reform efforts to a halt. Ireland's economy also turned sharply downward in the fall as a global financial crisis set in.**

The Irish Free State emerged from the United Kingdom under the Anglo-Irish Treaty of 1921, though six counties in the province of Ulster remained within the United Kingdom. A brief civil war followed, ending in 1923. In 1937, the Irish Free State adopted a new constitution and a new name—Ireland, or Eire.

Ireland remained neutral in its foreign policy, staying out of World War II and NATO. It joined the European Community (now the European Union, or EU) along with Britain and Denmark in 1973. Thanks in part to large subsidies for poorer countries within the EU, Ireland enjoyed high rates of economic growth for many years, transforming from one of the poorest countries in Europe into one of the richest. It adopted the euro on its launch as an electronic currency in 1999 and introduced euro notes and coins in 2001.

Ireland has resisted any EU moves that would impinge on its neutrality, including plans to set up an EU military capability. Partly for this reason, Irish voters re-



jected the EU's Treaty of Nice in June 2001, temporarily blocking the enlargement of the bloc into Eastern Europe. In a second referendum, in October 2002, Irish voters approved the treaty.

The country achieved outstanding economic growth from 1998 through 2002, which in turn led to inflation and wage increases, gradually eroding Ireland's competitiveness. The trend, compounded by a strong euro, slowed growth to still-impressive rates, including 5.7 percent in 2006.

With slower growth, budget tightening fueled voter disillusionment. This was amplified by a perception that the governing coalition—Fianna Fail and its smaller ally, the Progressive Democratic Party—had grown arrogant since coming to power in 1997; the government increased taxes after having promised before the 2002 general elections not to do so. As a result, Fianna Fail did poorly in local and EU elections in 2004. Prime Minister Bertie Ahern reshuffled his cabinet in September 2004, hoping to shore up the coalition.

Most polls predicted that the chief opposition party, Fine Gael, would win the May 2007 general elections. However, a strong debate performance by Ahern, combined with voter comfort after 10 years of economic growth, helped Fianna Fail to come back and win the elections. Ahern was given a third consecutive term as prime minister in June. Fianna Fail captured 78 of 166 seats in the lower house of Parliament, compared with Fine Gael's 51. However, the poor performance by the Progressive Democrats, who lost six of their eight seats, forced Fianna Fail to take the Green Party, with its six seats, into the governing coalition for the first time in that party's history. The inclusion of both the center-left Greens and the center-right, free-market Progressive Democrats had the potential to increase internal coalition tensions. The rest of the lower house's seats were held by the Labour Party (20), Sinn Fein (4), and independents (5).

In September 2007, Ahern narrowly won a vote of confidence over long-standing questions about his personal financial dealings in the 1990s, when he was finance minister. He had denied granting favors in exchange for loans he received from businessmen friends. However, such questions continued to dog the prime minister. In the first half of 2008, evidence emerged that money under his control as finance minister had been lent interest-free to a former business partner. In addition, it was revealed that he had received bank deposits in British pounds, something he had earlier denied. He finally agreed to step down, conceding that the investigation was hampering his ability to govern, and Finance Minister Brian Cowen became prime minister in May.

Soon after Cowen's installation, Irish voters rejected the EU's Lisbon Treaty, designed to replace a draft EU constitution that had failed French and Dutch referendums in 2005. Despite their general enthusiasm for EU membership, Irish voters were swayed in part by a series of false allegations about the treaty, including that it would force Ireland to legalize abortion and would lead to the creation of an EU army. The "no" vote threatened to isolate the country from other members of the 27-member union. After Ireland was offered assurances on the contentious issues, a second vote appeared likely to occur in 2009.

Cowen also faced a sharp downturn in the economy in the fall, driven by a rapid decline in property prices. The situation was exacerbated by global financial turmoil stemming from U.S. markets. The crisis forced the government to guarantee all de-

posits and debts for six major financial institutions, and the state budget was expected to move rapidly into deficit. After years of impressive growth, the sharp slowdown expected may be particularly politically painful for the Irish government.

**Political Rights and Civil Liberties:** Ireland is an electoral democracy. The Parliament (Oireachtas) consists of a lower house (the Dail), whose 166 members are elected by proportional representation for five-year terms, and an upper house (the Seanad, or Senate) with 60 members, 11 appointed and 49 elected by representatives of various interest groups. The Senate is mainly a consultative body. The president, whose functions are largely ceremonial, is directly elected for a seven-year term. The prime minister, or taoiseach, is chosen by Parliament.

The political party system is open to the rise and fall of competing groupings. The two largest parties—Fianna Fail and Fine Gael—do not differ widely in ideological orientation but represent the opposing sides of the 1920s civil war. The smaller parties are the Labour Party, the Progressive Democrats, Sinn Fein, and the Greens.

Corruption has been a recurring problem, with many scandals involving members of Fianna Fail. Charles Haughey, a former prime minister who headed several governments from 1979 to 1992, was discovered in 1997 to have received up to one million euros from the owner of a food and textile retailer. Allegations of corruption also forced the 2008 resignation of Prime Minister Bertie Ahern, who was found to have signed blank checks as party leader, accepted loans from businessmen friends while he was finance minister, and engaged in other financial dealings viewed as suspicious. In 2005, accusations of cronyism were aired relating to the appointment of allegedly unqualified individuals to government bodies. Despite such cases, Ireland was ranked 16 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The media are free and independent, and internet access is unrestricted. The print media present a variety of viewpoints. Television and radio are dominated by the state broadcaster, but the growth of cable and satellite television is weakening its influence. The state maintains the right to censor pornographic and violent material, which critics charge is an anachronistic practice and possibly a violation of the European Convention on Human Rights.

Freedom of religion is provided in the constitution, and discrimination on the basis of religion is illegal. Although the country is overwhelmingly Roman Catholic, there is no state religion, and adherents of other faiths face few impediments to religious expression. Religious education is provided in most primary and secondary schools, whose boards include officials of the Catholic Church. However, parents may exempt their children from religious instruction, and the constitution requires equal funding for students wishing instruction in other faiths. Academic freedom is respected.

Freedom of association is upheld, and nongovernmental organizations can operate freely. The right of public assembly and demonstration is not legally infringed, though Ireland experienced an unusual outbreak of violence at an attempted march by Northern Irish unionists in Dublin in 2006. Collective bargaining is legal and unrestricted, and labor unions operate without hindrance.

The legal system is based on common law, and the judiciary is independent. Council of Europe inspectors in 2006 found evidence of some beatings and other ill-

treatment of detainees by police, mostly at the time of arrest, but stated that prisons are generally well run. Despite equal protection for all under the law, the Irish Travellers, a nomadic group of about 25,000 people, face social discrimination in housing, hiring, and other areas. Ireland, which had been remarkably tolerant of a large influx of immigrants into its relatively homogenous population during the boom years, saw public opinion move against immigration in 2008 as the economy worsened.

Inequality persists in pay rates for men and women, but discrimination in employment on the basis of sex or sexual orientation is forbidden under national and EU law. The past two presidents have been women: Mary McAleese (elected in 1997 and reelected in 2004) and Mary Robinson (1990-97). Abortion is legal only when the life of the mother is in danger, and women seeking abortions frequently travel to Britain to have them performed.

## Israel

**Population:** 7,500,000 [Note: There are an estimated 187,000 Israeli settlers in the West Bank, about 20,000 in Golan Heights, and fewer than 177,000 in East Jerusalem.]

**Capital:** Jerusalem



**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free

*Note:* The numerical rating and status reflect the state of political rights and civil liberties within Israel itself. Separate reports examine the Israeli-occupied territories and the Palestinian-administered areas.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,3F	1,3F	1,3F	1,3F	1,3F	1,2F	1,2F	1,2F	1,2F

### Overview:

Prime Minister Ehud Olmert resigned in September 2008 due to a series of corruption scandals, including a criminal investigation. However, he was set to remain as interim prime minister until new elections could be held in 2009. Olmert's successor as leader of the Kadima Party, Foreign Minister Tzipi Livni, requested the polls in October after failing to form a new majority government. Progress on peace negotiations with the Palestinian Authority government based in the West Bank stalled in the latter part of the year, and major fighting between Israel and Hamas in the Gaza Strip erupted in December after a six-month truce expired.

Israel was formed in 1948 from part of the British Mandate of Palestine, which had been created by the League of Nations following World War I. A 1947 UN par-

tion plan dividing Palestine into two states, Jewish and Arab, was rejected by the Arab Higher Committee and the Arab League, and Israel's 1948 declaration of independence led to war with a coalition of Arab countries. While Israel maintained its sovereignty and expanded its borders, Jordan (then known as Transjordan) seized East Jerusalem and the West Bank, and Egypt took control of the Gaza Strip.

As a result of its 1967 war with Egypt, Jordan, and Syria, Israel occupied the Sinai Peninsula, the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. Israel annexed East Jerusalem in 1967 and extended Israeli law to the Golan Heights in 1981. It returned the Sinai to Egypt in 1982 as part of a peace agreement between the two countries.

In 1993, Prime Minister Yitzhak Rabin's Labor Party-led government secured a breakthrough agreement with the Palestine Liberation Organization (PLO). It provided for a phased Israeli withdrawal from the West Bank and Gaza Strip and limited Palestinian autonomy in those areas, in exchange for Palestinian recognition of Israel and a renunciation of terrorism. In 1994, Israel and Jordan agreed to a U.S.-brokered peace agreement. The following year, a right-wing Jewish extremist assassinated Rabin in Tel Aviv.

Prime Minister Ehud Barak of Labor presided over the withdrawal of Israeli forces from southern Lebanon in 2000 and renewed Israeli-Palestinian negotiations on a future Palestinian state. However, an extended U.S.-hosted summit failed to produce a final settlement. Following the breakdown of negotiations and a controversial visit by Ariel Sharon—then leader of the right-wing Likud Party—to the Temple Mount in September 2000, the Palestinians launched an armed uprising.

Sharon defeated Barak for the premiership in a 2001 election. In March 2002, after a series of attacks by Palestinian militants, the Israel Defense Forces (IDF) re-occupied many of the West Bank areas that had been ceded to the Palestinian Authority (PA). Israel also began construction of a security barrier in Palestinian territory that roughly followed the 1949 armistice line in the West Bank. Critics accused the Israelis of confiscating West Bank land and impeding access to land, jobs, and services for Arabs living in the barrier's vicinity. As a result, the barrier—which was about 65 percent complete by the end of 2008—has been rerouted six times by order of the Israeli Supreme Court.

After the death of Palestinian leader Yasser Arafat, Mahmoud Abbas was elected president of the PA in January 2005. A verbal ceasefire agreement between Sharon and Abbas led to a general decline, but not a halt, in violence. In September 2005, Sharon's government completed a unilateral withdrawal of Jewish settlers from the Gaza Strip and four sites in the West Bank, overcoming fierce opposition from settler groups and many within Likud. Sharon subsequently left Likud and founded Kadima, a new centrist party. In January 2006, he suffered a stroke that left him in a coma. Then deputy prime minister Ehud Olmert became acting prime minister and acting Kadima chairman.

In the March 2006 elections, Kadima won 29 of the 120 seats in the Knesset (parliament). Labor placed second with 19 seats, while the religious Shas party and Likud each took 12 seats. The remainder went to a range of smaller parties. Olmert and Kadima headed the new coalition government, which included Labor, Shas, and other factions.

Israeli-Palestinian violence picked up after the Islamist group Hamas won elec-

tions to the Palestinian Legislative Council (PLC) in January 2006, displacing Abbas's Fatah party. Over the next two years, Israel experienced a decreasing number of terrorist attacks in Israel and regular rocket and mortar fire from the Gaza Strip, while the IDF continued to stage air strikes against militant leaders and destructive incursions into Palestinian territory, including an invasion of the Gaza Strip in the summer of 2006.

Also that summer, Israel went to war against the Lebanese Islamist militia Hezbollah following a cross-border attack in which eight Israeli soldiers were killed and two—Ehud Goldwasser and Eldad Regev—were taken captive. By the time a UN-brokered ceasefire took effect in mid-August, about 1,200 Lebanese, including many civilians, had been killed; 116 IDF soldiers and 43 Israeli civilians were also killed. Israel was condemned for the Lebanese civilian death toll as well as its targeting of civilian infrastructure and the large-scale displacement of civilians from southern Lebanon. Israel insisted that Hezbollah's deliberate use of civilians and residential areas to shield their belligerent activities made civilian casualties inevitable.

A 2007 report by Israel's state comptroller described the government's efforts to protect civilians during the conflict as "a grave failure." In January 2008, the government-appointed Winograd Commission found the war to have been a "large and serious" failure, accusing Olmert's government and military leaders of inadequate planning and poor, haphazard decisions. Amnesty International criticized the commission soon thereafter for failing to include sufficient criticism of Lebanese civilian casualties and Israel's use of cluster bombs, which the organization claimed had killed 40 people and wounded 243 since the end of hostilities. In July 2008, Israel obtained the bodies of Goldwasser and Regev in a controversial exchange with Hezbollah, handing over five Lebanese prisoners (including Samir Kuntar, a terrorist convicted of three brutal murders in 1979) and the bodies of 200 Lebanese and Palestinian militants; Hezbollah had refused to state before the exchange whether the two Israelis were dead or alive.

While Olmert's government survived considerable domestic discontent—and several high-profile resignations—over the conduct of the war in Lebanon, the prime minister resigned in September 2008 after being charged in an unrelated corruption case. Foreign Minister Tzipi Livni was elected to replace him as Kadima party leader, but she was unable to form a new majority coalition in the Knesset. She requested early elections, which would be held in 2009; Olmert was set to remain in place as caretaker prime minister until then.

Meanwhile, Israeli-Palestinian violence continued. Hamas had seized control of the Gaza Strip in June 2007, creating a rift with the Fatah-dominated West Bank; Israel thereafter regarded the Gaza Strip as a hostile entity and imposed an economic blockade, allowing only limited amounts of humanitarian aid through its border crossings. According to the British Broadcasting Corporation (BBC), about 500 people were killed in Israeli-Palestinian fighting between November 2007 and June 2008, most of whom were Palestinian and over half of whom were armed militants. In June 2008, Israel and Hamas implemented a six-month truce agreement, leading to a significant decrease in clashes in and around Gaza. Separately, Israel had pursued accelerated peace talks with the Fatah-led PA in the West Bank, but despite a series of confidence-building measures—including the release of hundreds of Palestinian prisoners and the wider deployment of Palestinian security forces—a resolution of final-status issues remained far off by the end of 2008.

Major fighting erupted between Hamas and Israeli forces in December, after the six-month truce expired. Hamas resumed and ramped up its rocket bombardment of Israel, and the IDF launched a major campaign of airstrikes in Gaza, preparing the way for a possible ground invasion. While Hamas's indiscriminate attacks on civilian targets were condemned by human rights groups and other observers, the IDF bombing revived long-standing complaints that Israel's tactics caused many Palestinian civilian casualties, destroyed civilian infrastructure, and inflicted "collective punishment" on Gazans; according to the BBC, over 350 Palestinians had been killed in the fighting by year's end, along with four Israelis. Israeli authorities argued that their actions were necessary to protect Israeli civilians, and that Palestinian civilian casualties were caused by Hamas and other militant groups' use of civilian areas to stage and prepare attacks.

### Political Rights and Civil Liberties:

Israel is an electoral democracy. A largely ceremonial president is elected by the 120-seat Knesset for seven-year terms.

The prime minister is usually the leader of the largest party or coalition in the Knesset, members of which are elected by party-list proportional representation for four-year terms. The three main parties are the center-left Labor Party, the centrist Kadima, and the right-wing Likud. New special-interest parties typically emerge with each election cycle, but many of them dissolve quickly or merge with a larger bloc. No independent Arab party has been formally included in a governing coalition. All citizens aged 18 and over can vote.

Parties or candidates that deny the existence of Israel as a Jewish state, oppose the democratic system, or incite racism are prohibited. In 2007, Knesset member Azmi Bishara resigned his seat and eventually left Israel for fear of prosecution on charges of espionage and aiding an enemy during war; Bishara had previously expressed support for Hezbollah during visits to Lebanon and Syria, both technically at war with Israel. In 2008, leaders of Bishara's party (the National Democratic Alliance) continued to be questioned by the Shin Bet, Israel's internal security agency.

Twelve members of the current Knesset are Arab Israelis; in 2007, Labor's Raleb Majadele became the first Arab Muslim to serve as a cabinet minister. An Arab Israeli judge also sits on the Supreme Court. While the Arab population votes heavily for Arab-oriented parties, the left-leaning and centrist Zionist parties also count on strong support from the Arab community. Arab residents of East Jerusalem, while not granted automatic citizenship, were issued Israeli identity cards after the 1967 war. However, Israeli law strips such Arabs of their Jerusalem residency if they remain outside the city for more than three months. They have the same rights as Israeli citizens, except the right to vote in national elections. They can vote in municipal as well as PA elections and are eligible to apply for Israeli citizenship. The city's Arab population does not receive a share of municipal services proportionate to its numbers.

Under the 1948 Law of Return, Jewish immigrants and their immediate families are granted Israeli citizenship and residence rights; other immigrants must apply for these rights. In 2003, the Knesset passed a measure that temporarily denied citizenship and residency status to West Bank or Gaza residents married to Israeli citizens. The law was criticized as blatantly discriminatory against Arab Israelis and a violation of Israel's Basic Law. Supporters have cited security considerations; the Shin

Bet has testified that 14 percent of suicide bombers attained Israeli identity cards via family reunification laws. The 2003 measure was upheld by the Supreme Court in 2006 and was renewed for the fifth time in 2008.

Israel was ranked 33 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. Recent years have featured a series of corruption scandals involving senior officials, including a prime minister, a finance minister, and the heads of the tax authority and the police. In September 2008, Prime Minister Ehud Olmert resigned amid a criminal investigation into donations and other gifts (reportedly worth up to \$500,000) he had received from a U.S. businessman over many years. Olmert had been investigated for several other alleged misdeeds dating to his previous posts in the cabinet and as mayor of Jerusalem. Separately, Knesset member Shlomo Benizri was sentenced in April 2008 to 18 months in prison for bribe-taking and other offenses. According to a 2008 survey by the Israel Democracy Institute, 90 percent of Israelis believe that there is "very much corruption" in Israel, and 51 percent believe that one had to be corrupt to make it to "the top" in politics.

Press freedom is respected in Israel, and the media are vibrant and independent. All Israeli newspapers are privately owned and freely criticize government policy. The Israel Broadcasting Authority operates public radio and television services, and commercial television networks and radio stations are widely available. Most Israelis subscribe to cable or satellite television; internet access is widespread and unrestricted. While print articles on security matters are subject to a military censor, the scope of permissible reporting is wide. In April 2008, police placed seven employees of the Ramallah-based RAM FM radio station under house arrest and confiscated the transmitter from the station's Jerusalem studio. Authorities accused the station of operating without a permit and disrupting air-traffic communications; the station claimed its PA-issued permit was legal in Israel as well.

While Israel's founding documents define it as a "Jewish and democratic state," freedom of religion is respected. Christian, Muslim, and Baha'i communities have jurisdiction over their own members in matters of marriage, burial, and divorce. Since the Orthodox establishment generally handles these matters among Jews, civil marriages and marriages between Jews and non-Jews are not recognized by the state unless conducted abroad; many Israelis choose to marry in civil ceremonies abroad rather than submit to a religious ceremony. In addition, Orthodox definitions of Jewish identity are used in the implementation of the Law of Return. However, the Orthodox monopoly on Jewish religious affairs has eroded steadily since the 2003 disbandment of the Religious Affairs Ministry, a move that put rabbinic courts under the control of the Justice Ministry and allowed more resources to be allocated to non-Orthodox institutions. In 2005, the Supreme Court ruled that the state must recognize as Jews people who undergo non-Orthodox conversions begun in Israel but formalized abroad.

Muslim and Christian communities occasionally claim discrimination in resource allocation and upkeep of religious sites, though the state budget officially assigns funds according to need, regardless of faith or denomination. Israel, citing security concerns, occasionally restricts Muslim worshippers' access to the Temple Mount, or Haram al-Sharif, in Jerusalem. Controversial archaeological excavations and construction work near the site was halted for public consultation in 2007 after they sparked riots by Muslim residents.

Primary and secondary education are universal, with instruction for the Arab minority based on the common curriculum used by the Jewish majority, but conducted in Arabic. In 2007, the government approved a textbook for use in Arab schools that presents the founding of the state from the typical Palestinian—and thus highly critical—perspective. However, the quality of schools in predominantly Arab municipalities is generally worse than in predominantly Jewish municipalities, and Arab parents have complained of difficulties in registering Arab children in mostly Jewish schools. Israel's universities are open to all students based on merit. The government generally does not interfere in faculty appointments or curriculum development at universities, which have long been centers for dissent. Periodic road closures and other security measures in recent years have made it difficult for residents of the West Bank and Gaza to reach universities in Israel.

Freedoms of assembly and association are respected. Israel hosts an active civil society that includes an array of nongovernmental organizations (NGOs), and demonstrations are widely permitted. Groups committed to the destruction of Israel are not allowed to demonstrate. In February 2008, the Supreme Court backed a government order preventing a public commemoration of George Habash—founder of the Popular Front for the Liberation of Palestine—in Nazareth.

Workers may join unions of their choice and have the right to strike and bargain collectively. Three-quarters of the workforce either belong to unions affiliated with Histadrut, the national labor federation, or are covered under its social programs and bargaining agreements. General strikes are common but generally last under 24 hours. About 100,000 legal foreign workers enjoy wage protections, medical insurance, and guarantees against employer exploitation. However, foreign workers who leave their original employers are stripped of these rights and are subject to deportation. Advocacy groups claim that there are at least 100,000 illegal workers in Israel, many of whom are exploited. The government has come under increasing pressure from civil society to better regulate the status of foreign workers.

The judiciary is independent and regularly rules against the government. The Supreme Court hears direct petitions from citizens and Palestinian residents of the West Bank and Gaza Strip. In recent years, the Supreme Court has repeatedly ordered the rerouting of the West Bank security barrier to decrease its negative effects on Palestinian residents. In 2008, the government committed to two court-mandated changes in the barrier.

The Emergency Powers (Detention) Law of 1979 provides for indefinite administrative detention without trial. Most administrative detainees are Palestinian; there are approximately 9,800 security prisoners in Israeli prisons. Negotiations between Israel and the West Bank-based PA resulted in the release of hundreds of these prisoners in 2007 and 2008. In 2007, the human rights groups B'Tselem and HaMoked Center reported that Palestinian prisoners are held in terrible conditions and are subject to abusive interrogation techniques, including instances of torture. The government disputed the accuracy of the report. In April 2008, the Public Committee against Torture in Israel accused the Shin Bet of using faux interrogations of family members to elicit confessions from Palestinian prisoners; authorities denied the charge.

While violence continued to decrease in Israel for most of 2008, personal security was still affected by rocket attacks and bombings. According to B'Tselem, 490 Israeli civilians have been killed by Palestinian attacks since September 2000. In



February 2008, the country's first suicide bombing in over a year killed a woman in Dimona. The following month, a gunman from East Jerusalem killed eight students at a Jewish seminary in Jerusalem. In two separate attacks in July, Palestinians drove construction diggers into traffic in Jerusalem; the first attack killed 3 Israelis, while the second injured at least 10. Rockets were launched regularly into Israeli towns from Gaza prior to the Israel-Hamas truce, and the attacks resumed in greater numbers after the truce expired near the end of the year; two women were killed by rocket attacks in June, and four people were killed during the outbreak of violence in December. Knife attacks on Jews in Jerusalem increased slightly in 2008. In July 2008, four Arab Israelis (along with four East Jerusalem Palestinians) were arrested and charged with spying and planning attacks for al-Qaeda.

While they have full political rights, the roughly one million Arab citizens of Israel (about 19 percent of the population) receive inferior education, housing, and social services relative to the Jewish population. Arab Israelis, except for the Druze minority, are not subject to the military draft, though they may serve voluntarily. Those who do not join the military are not eligible for the associated benefits, including scholarships and housing loans. In 2000, 13 Arabs were killed by police attempting to quell several days of often violent protests in support of the concurrent uprising in the Palestinian territories. The Orr Commission—established to investigate the uprising—cited the government's "neglectful and discriminatory" management of the Arab population, which over the course of decades led to "poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure." In January 2008, the attorney general announced that no police officers would be prosecuted for the 13 killings due to lack of evidence, a decision that was criticized by human rights groups.

One-third of those killed by Hezbollah rockets during the 2006 Lebanon conflict were Arab Israelis. A July 2007 report by the state comptroller heavily criticized the government for failure to adequately protect Arab Israeli villages, most of which did not have bomb shelters. In December 2007, a polling study by the Association for Civil Rights in Israel found that anti-Arab sentiments among Israeli Jews had doubled that year, and that racist incidents were up 26 percent. A 2008 survey by the Israel Democracy Institute found that while 65 percent of Arab respondents felt that human rights are protected to a large extent in Israel (compared with 60 percent of Jews), only 33 percent believed that there is equality between Jews and Arabs (compared with 52 percent of Jews).

In October 2008, Jewish-Arab violence broke out in the city of Akko after an Arab Israeli drove through a mostly Jewish neighborhood during the Jewish holiday of Yom Kippur; Jewish youths attacked the driver, prompting retaliation from Arab youths and subsequent riots that spread to other cities. While nobody was killed, scores were injured and arrested, and many properties were damaged. In late October, Israeli police arrested six Jewish youths suspected of throwing firebombs at Arab homes in Tel Aviv.

Most Bedouin housing settlements are not recognized by the government and are not provided with essential services. In March 2008, Human Rights Watch published a report accusing the government of pervasive land and housing discrimination against the Bedouin and urging authorities to stop demolishing unlicensed Bedouin homes. The state, through the Israeli Lands Administration, owns 93 per-

cent of the land in Israel; 13 percent of that land is owned by the Jewish National Fund (JNF). In 2005, the Supreme Court and attorney general ruled that the JNF could no longer market land only to Jews. In 2007, the Knesset made a first attempt at overriding those rulings via legislation that reserved JNF land for Jewish use. The legislation would require two additional majority votes to become law.

Freedom of movement is affected by security measures that can lead to delays at roadblocks and in public places. Security forces sometimes carry out random identity checks of civilians. By law, all citizens must carry national identification cards. The West Bank security barrier restricts freedom of movement for some East Jerusalem residents. Formal and informal local rules that prevent driving on Jewish holidays can also restrict freedom of movement.

Women have achieved substantial parity at almost all levels of Israeli society. However, Arab women and religious Jewish women face some societal pressures and traditions that negatively affect their professional, political, and social lives. The rise of so-called "modesty buses"—on which women are forced to sit at the back, separate from men—in very religious Jewish neighborhoods of Jerusalem in 2007 fueled heated opposition from women's groups, some of which filed a brief at the Supreme Court. The trafficking of women for prostitution has become a problem in recent years. In 2005, a parliamentary report claimed that 3,000 to 5,000 women, mostly from the former Soviet Union, had been smuggled into the country as prostitutes over the previous four years. Both the United Nations and the U.S. State Department have identified Israel as a top destination for trafficked women. The government has opened shelters for trafficked women and passed more stringent legislation; in 2006, the Knesset passed a law mandating prison terms of up to 20 years for human trafficking.

Sexual minorities have made significant strides in recent years. A 2005 Supreme Court decision granted guardianship rights to nonbiological parents in same-sex partnerships, and two lesbians were granted permission to legally adopt each other's biological children in 2006. Openly gay Israelis are permitted to serve in the armed forces.

## Italy

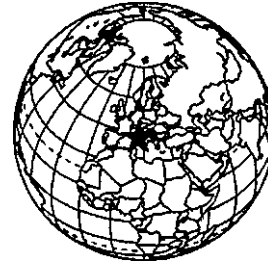
**Population:** 59,900,000

**Capital:** Rome

**Political Rights:** 1

**Civil Liberties:** 2\*

**Status:** Free



**Ratings Change:** Italy's civil liberties rating declined from 1 to 2 due to the further concentration of media outlets under Prime Minister Silvio Berlusconi and persistent interference by organized crime networks in the functioning of private businesses.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,2F

### Overview:

Parliamentary elections were held in April 2008, three years ahead of schedule, after the center-left coalition government led by Prime Minister Romano Prodi collapsed in January. Former prime minister Silvio Berlusconi and his center-right coalition secured a substantial margin of victory in the balloting, which also reduced the number of parties in the lower house of Parliament from 26 to 6. Berlusconi's return to the premiership in May raised concerns about press freedom, as it left him in control of both state media and his own private media empire. Also during the year, the government sent 500 soldiers to the Campania region to combat the ongoing problem of organized crime.

Italy was unified under the constitutional monarchy of Piedmont and Sardinia in the 19th century. Its liberal period ended in 1922 with the rise Benito Mussolini and his Fascist Party, which eventually led the country to defeat in World War II. A referendum in 1946 replaced the monarchy with a republican form of government.

The "clean hands" corruption trials of the early 1990s prompted the collapse of the major political factions that had dominated postwar Italian politics—the Christian Democrats, the Communists, and the Socialists. Since that time, many new parties and coalitions have emerged.

In 1993, a new electoral law replaced the existing system of proportional representation with single-member districts for most of the seats in Parliament. The move was designed to reduce the number of political parties that could obtain seats and ensure a more stable majority for the parties in power; Italians had seen more than 50 governments since 1945. However, in December 2005, proportional representation was restored, with a provision awarding at least 54 percent of the seats in the lower house to the winning party or coalition, no matter how small its margin of victory. A similar arrangement was made for the upper house.

Voters in a June 2006 referendum overwhelmingly rejected a reform package, initially offered by Prime Minister Silvio Berlusconi's center-right government in November 2005, that would have strengthened the role of the prime minister and the administrative and taxing powers of the country's 20 regions. Critics claimed that the latter provision would have widened the economic divide between the wealthy north and the poor south.

Parliamentary elections in April 2006 ushered in a new center-left coalition government led by Romano Prodi, leaving Berlusconi's bloc in opposition for the first time since 2001. Berlusconi's premiership had been marred by abortive attempts to prosecute him on money laundering, fraud, and tax evasion charges, and by his personal domination of the national media, including state outlets and his extensive private holdings. However, Prodi's new government proved unstable; in 2007 it lost key votes in Parliament over Italy's troop presence in Afghanistan, and it finally collapsed after a no-confidence vote in January 2008.

Berlusconi and his new conservative party, People of Freedom (PDL), handily won early parliamentary elections in April, capturing a total of 344 seats in the lower house and 174 in the Senate in combination with two smaller allies. A center-left coalition led by Rome mayor Walter Veltroni's new Democratic Party placed second with 246 seats in the lower house and 132 seats in the Senate. Voter turnout was 80 percent, down from 83.6 percent in 2006 and a postwar average of over 90 percent.

Berlusconi ran on pledges to crack down on crime and illegal immigration, and the new Parliament passed a number of measures on those issues during the year. One law criminalized illegal entry and set penalties of up to four years in prison for the offense, and another required the fingerprinting of all Romany residents, including children. Such legislation, as well as attacks on the Romany community, led Amnesty International to warn of a "climate of discrimination" in Italy. Although the law was expanded to include all residents in Italy, the government had already begun fingerprinting in the Roma communities.

In September, after a group of immigrants were killed by suspected members of the Naples-based organized crime syndicate, the Camorra, 500 soldiers were deployed to the region to bolster law enforcement efforts. Organized crime remained a serious problem in Italy despite the arrest of powerful bosses from the Camorra and Sicily's Mafia in 2007. The Camorra, along with official mismanagement, was blamed for a long-running garbage crisis in Naples. Separately, a May report by the Eurispes research institute found that the 'Ndrangheta, an organized crime group based in the Calabria region, had become a multinational operation with an annual income equal to nearly 3 percent of Italy's gross domestic product.

Berlusconi continued to be dogged by corruption allegations in 2008, but in July parliament passed a law that gives the prime minister and other elected officials immunity from prosecution while they are in office. Meanwhile, a Milan judge ruled in May that both Berlusconi and Prodi could be called as witnesses in the trial of U.S. and Italian intelligence officials who had been charged in 2007 for the 2003 extraordinary rendition of a Muslim cleric from Milan to Egypt, where he was allegedly tortured.

**Political Rights  
and Civil Liberties:**

Italy is an electoral democracy. The president, whose role is largely ceremonial but sometimes politically influential, is elected for a seven-year term by Parliament and repre-

representatives of the regions. Giorgio Napolitano, a former communist, was selected for the post in 2006. The president chooses the prime minister, who is often, but not always, the leader of the largest party in the 630-seat lower house, the Chamber of Deputies. The upper house is the Senate, with 315 seats. Members of both chambers serve five-year terms. The constitution also divides the country into 20 administrative regions.

Proportional representation for parliamentary elections, after being curtailed in 1993, was reintroduced in December 2005. Under the new system, the winning party or coalition receives a minimum 54 percent majority in the lower house no matter how small its actual margin of victory. For the Senate, victory in a given region assures the winning party or coalition a 55 percent majority of that region's allotment of seats. Separately, a 2000 law granting voting rights to the estimated four million Italians living abroad took effect for the first time in the 2006 elections. Twelve deputies and six senators were elected in the April 2008 balloting to represent "overseas constituencies" in Europe, North and Central America, South America, and Africa-Asia-Oceania.

The 2008 elections marked the national debut of two major parties, the PDL and the Democratic Party, which had been formed from several factions on the right and left, respectively. The PDL also formed an electoral bloc with the regionalist and anti-immigration Lega Nord party and the small Movement for Autonomy party, while the Democratic Party allied itself with the Italy of Values party. Other parties ran independently. Due to the recent party consolidation and the new voting system, just 6 parties won seats in the lower house, down from 26.

Corruption remains an issue in politics despite the changes in government over the past decade. Transparency International gave Italy a rank of 55 out of 180 countries surveyed in its 2008 Corruption Perceptions Index, a particularly poor showing for its region. Prime Minister Silvio Berlusconi has faced numerous corruptions charges over the years, but has never been convicted. A fraud trial was suspended in February 2008 to allow him to campaign, and in July, Parliament passed a law that gives him and other top members of the government immunity from prosecution while in office. A similar bill passed when he was prime minister in 2003 was later thrown out by the Constitutional Court. In June, lawmakers passed a decree that freezes trials for a year if the alleged offense carries a prison sentence of less than 10 years; the measure was criticized as a potential disruption to the justice system that directly benefited Berlusconi.

Freedom of speech and the press is constitutionally guaranteed. However, Berlusconi's return to power gave him the potential to control up to 90 percent of the country's broadcast media, through the state-owned outlets and his own private media holdings. A 2006 Council of Europe report found that despite the ownership concentration of private broadcast outlets, there was considerable diversity of content in the country's news and other media. There are many newspapers and news magazines, most of them with regional bases. Newspapers are primarily run by political parties or owned by large media groups. Although the internet is generally unrestricted, the government blocks foreign websites if they violate national laws, and the police monitor websites in an effort to catch child pornographers.

In June 2008, the cabinet approved a bill that would impose heavy fines or jail terms on journalists who use the transcripts from wiretaps without a judge's permis-

sion. The bill, which had yet to win parliamentary approval at year's end, was similar to one passed by the lower house in 2007.

Freedom of religion is respected and guaranteed by the constitution. Although Roman Catholicism is the dominant faith and the state grants some privileges to the Catholic Church, there is no official religion. The state provides support, if requested, to other sects represented in the country. The government has signed agreements with a number of religious groups but has yet to pass an omnibus religious freedom law. Academic freedom is respected and protected.

Italians are free to assemble and form social and political associations, and between 35 and 40 percent of the workforce is unionized. A new school reform law, which included budget cuts as well as a 10-point system for grading students' conduct, caused student protests across the country in October 2008.

The judicial system is undermined by long trial delays and the influence of organized crime. Trial delays are caused in part by effectively open-ended pretrial investigations, a lack of judicial personnel and other resources, vague or contradictory laws, and the host of minor offenses in the penal code. The 2008 reelection of Berlusconi has also raised concerns about political attacks on the judiciary. In June, he read a letter to the Senate alleging that the criminal prosecutions against him were run by politically motivated "extreme-left magistrates."

The prison system has suffered from overcrowding. Despite legal prohibitions against torture, there have been reports of excessive use of force by police, particularly against illegal immigrants. In July 2008, a group of 15 defendants were convicted for mistreatment of protesters detained during the 2001 Group of 8 summit in Genoa. They received sentences ranging from five months to five years and included police officers, prison officials, and two doctors, one of whom failed to inform authorities that prisoners were sprayed with asphyxiating gas.

Italy is a major entry point for undocumented immigrants trying to reach Europe, and the government has been criticized for holding illegal immigrants in overcrowded and unhygienic conditions and denying them access to lawyers and other experts. The new government in 2008 began a crackdown on illegal immigration, starting with a major raid in May that led to the arrests of hundreds of suspected illegal immigrants, and a new law made illegal immigration a crime, punishable by up to four years in prison. Amnesty International warned of growing intolerance in the country, especially toward the Romany community, which suffered arson attacks in Naples in May. Interior Minister Roberto Maroni in June proposed fingerprinting all Roma in the country, including children, as a way to stem crime. The plan, which met with harsh criticism, was eventually extended to all residents of Italy and approved by the European Commission in September, but only after the government had started fingerprinting in the Roma communities.

Organized crime has continued to expand in Italy, negatively affecting business activities, property rights, and social services, such as trash collection in Naples, which was stymied by the local Camorra group. The 'Ndrangheta crime group based in Calabria has grown into a multinational crime corporation, according to a report by Eurispes, with an annual income of almost 3 percent of Italy's gross domestic product; the group has expanded from its base in Calabria to Milan. However, in February, police arrested Pasquale Condello, the top boss of the 'Ndrangheta. During the year, the government seized a considerable amount of assets from mafia groups, according to a government report.

Women benefit from generous maternity-leave provisions and government efforts to ensure parity in the workforce. Women also have considerable educational opportunities. However, violence against women continues to be a problem, and female political representation is low for the region. In the 2008 elections, women took 21 percent of the seats in the Chamber of Deputies, 4 percentage points more than in 2006. Italy has one of the highest rates of female unemployment in Europe.

Italy is a destination and transit country for the trafficking of women and children for sexual and labor exploitation. However, the government has made efforts to tackle the problem, particularly in the area of prosecution, according to the U.S. State Department's 2008 Trafficking in Persons Report. A major antitrafficking operation in late 2006 and early 2007 produced nearly 800 arrests. The government also finances nongovernmental organizations that work to raise awareness of the problem and support trafficking victims.

## Jamaica

**Population:** 2,700,000

**Capital:** Kingston

**Political Rights:** 2

**Civil Liberties:** 3

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,2F	2,2F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F

### Overview:

**In 2008, recently elected Prime Minister Bruce Golding of the Jamaican Labor Party saw his popularity ebb amid a slumping economy and rising crime. Authorities in the capital city of Kingston imposed a curfew in May in an attempt to stem the murder rate.**

Jamaica achieved independence from Britain in 1962. Since then, power has alternated between the social democratic People's National Party (PNP) and the more conservative Jamaica Labor Party (JLP).

In 2002, Percival James Patterson of the PNP became the only prime minister in Jamaican history to be elected to three consecutive terms. His party won 34 of 60 seats in the House of Representatives, retaining control of the premiership for an unprecedented fourth term. The JLP remained in opposition with 26 seats. An observer delegation led by former U.S. president Jimmy Carter said that despite measures taken to restrain voter fraud, such activity remained common in areas controlled by politically linked gangs. In taking office, Patterson also became the first

head of government to swear allegiance to the Jamaican people and constitution, rather than to the British monarch, who remained the head of state.

In March 2006, Patterson announced that he would step down after 14 years in power, setting off a hard-fought PNP leadership battle between Minister for Local Government Portia Simpson Miller, National Security Minister Peter Phillips, and Finance Minister Omar Davies. Simpson Miller fended off her competition by securing 46 percent of the vote among 3,800 party delegates. Her victory was heralded as a major advance for the role of women in Jamaican politics.

Simpson Miller remained a popular figure in 2007, with approval ratings exceeding 55 percent, but her government foundered due to poor economic growth and the fallout from Hurricane Dean, which struck the island in August. In parliamentary elections held in September, voters gave the JLP 33 seats in the House of Representatives, ending the 18-year rule of the PNP, which took 27 seats. Opposition leader Bruce Golding became the new prime minister, but Simpson Miller survived her party's defeat, easily winning reelection to her parliamentary seat. By June 2008, the popularity of the ruling JLP lagged behind that of the PNP, due to a sluggish economy and the new government's inability to stem the rising crime rate.

### **Political Rights and Civil Liberties:**

Jamaica is an electoral democracy. The British monarch is represented as head of state by a governor-general, who is appointed by the monarch on the recommendation of the Jamaican prime minister. Following legislative elections, the governor-general appoints the leader of the majority party or coalition in the lower house, the House of Representatives, to be the prime minister. The bicameral Parliament consists of the 60-member House of Representatives, elected for five years, and the 21-member Senate, with 13 senators appointed on the advice of the prime minister and 8 on the advice of the opposition leader.

In recent years, the ideological gulf between the two main political parties—the center-left PNP and the more conservative JLP—has narrowed considerably due to the retirement of their respective veteran leaders. The PNP's Michael Manley stepped down in 1992 and has since died, and the JLP's Edward Seaga resigned in 2005. Violence has often accompanied elections, but in the 2007 vote there were only two shootings.

Corruption remains a considerable problem. The Access to Information Act of 2002 was fully implemented in 2006, but most of the state's 264 agencies were not ready to comply. Government whistle-blowers who object to official acts of waste, fraud, or abuse of power are not well protected by Jamaican law, as is required under the Inter-American Convention against Corruption. In 2008, the mayor of Kingston reported that he had been receiving death threats tied to his anticorruption efforts. Jamaica was ranked 96 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitutional right to free expression is generally respected. Broadcast media are largely state owned but are open to pluralistic points of view. In 2008, one local television station began broadcasting the news in Jamaican Creole, breaking with the long-standing practice of using the dialect only in informal settings. There are an estimated 1.9 million radios in Jamaica—the largest number per capita in the Caribbean—and some 527,000 television sets. While newspapers are independent



and free of government control, circulation is generally low. Journalists occasionally face intimidation in the run-up to elections. The government does not restrict access to the internet; about 40 percent of Jamaicans have access, more than double the regional average of the Caribbean.

The constitution provides for freedom of religion, and the government generally respects this right in practice. The government does not hinder academic freedom.

Freedoms of association and assembly are generally respected. Jamaica has a robust civil society, though the most influential nongovernmental actors tend to emanate from business interests. Labor unions are politically influential and have the right to strike. The Industrial Disputes Tribunal mediates labor conflicts.

The judicial system is headed by the Supreme Court and includes several magistrates' courts and a court of appeals. The Privy Council in London was formerly the highest appellate court for Jamaica, but it was replaced with the Trinidad-based Caribbean Court of Justice, inaugurated in 2005. Privy Council rulings against the death penalty have angered many in Jamaica.

Despite government efforts to improve penal conditions, a mounting backlog of cases and a shortage of court staff at all levels continue to undermine the judicial system, which is slow and inefficient, particularly in addressing police abuses and violence in prisons. In April 2008, Amnesty International reported that 272 civilians had been killed by the police during the preceding year, but that punishment of negligent officers was rare given the persistent culture of impunity. Although there has been some willingness by authorities to charge police for extrajudicial killings, the system for investigating such abuse lacks personnel to pursue cases, protect crime-scene evidence, take statements from officers in a timely manner, and conduct adequate autopsies of victims.

Officially, police are allowed to use lethal force if an officer's life is threatened or a dangerous felon is escaping, but its use is more widespread in practice, and officials have promised to adopt a stricter policy. Other disputed criminal justice practices include death sentences following trials of questionable fairness, corporal punishment, alleged ill-treatment by police and prison guards, and appalling conditions in detention centers and prisons. While in opposition, Prime Minister Bruce Golding had strongly criticized a 2005 antiterrorism law for its potential infringement on civil liberties, but once in office he expressed little interest in repealing it.

In 2008, Jamaica remained trapped by a vicious circle in which violent crime helped to depress tourism and investment. The country suffered nearly 1,700 homicides in 2005, and while the annual total dipped slightly over the next two years, homicides rose again in 2008, topping 1,600 by year's end. In May, authorities in Kingston imposed a temporary curfew after a particularly shocking string of murders put the nationwide total at more than 500 since the beginning of the year.

Jamaica is a transit point for cocaine shipped from Colombia to U.S. markets, and the drug trade is now largely controlled by Colombian crime syndicates. Much of the island's violence is the result of warfare between drug gangs known as posses. Contributing factors include the deportation of Jamaican-born criminals from the United States and a growing illegal weapons trade. Meanwhile, civilian mobs have been responsible for numerous vigilante killings of suspected criminals, and inmates frequently die in prison riots. Jamaican officials have complained that the U.S. government presses them to stop the flow of drugs into the United States but does little

to stem the flow of guns into Jamaica. Still, counternarcotics cooperation between the United States and Jamaica has improved.

Amnesty International has identified homosexuals as a marginalized group that is targeted for extreme harassment and violence. Same-sex intercourse is punishable by 10 years' imprisonment at hard labor. In recent years, several Jamaicans have been granted asylum in Britain on the grounds that they were in danger because of their homosexuality. The antigay lyrics of Jamaican entertainers, particularly reggae singers, remain a source of contention. In 2004, Brian Williamson, a spokesperson for the advocacy group Jamaica Forum for Lesbians, All-Sexuals, and Gays (J-FLAG), was brutally murdered in his New Kingston apartment. The perpetrator was sentenced to life in prison in 2006. Separately, Steve Harvey, a well-known activist on behalf of HIV/AIDS-related causes, was killed in 2005, and four people were later charged in the killing. In 2008, prominent J-FLAG member Gareth Henry fled to Canada and filed for refugee status following an escalating series of threats against his life. The government remains resistant to decriminalizing homosexuality.

Violence against women remained widespread in 2008, with the record number of 774 reported rapes indicating a worsening social problem. Women's rights groups, government agencies, and NGOs have noted that while much of the legal structure is in place to help reduce violence and discrimination against women, enforcement remains lacking. Although the constitution and the country's employment laws give women full legal equality, workplace discrimination, including lower pay, is common.

## Japan

**Population:** 127,700,000

**Capital:** Tokyo

**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F

### Overview:

Prime Minister Yasuo Fukuda of the ruling Liberal Democratic Party (LDP) resigned in September 2008 after less than a year in office. He was considered a moderate who was willing to build consensus, but he had failed to engage the opposition constructively and suffered from low public approval ratings. Taro Aso, the LDP's secretary general and a former foreign minister, was elected to replace Fukuda as prime minister and pledged to revive the economy.

Japan has operated as a parliamentary democracy with a largely symbolic monarchy since its defeat in World War II. The Liberal Democratic Party (LDP) has ruled almost continuously since 1955, having been in opposition for only 10 months in the past 50 years. The LDP presided over Japan's economic ascent while maintaining close security ties with the United States during the Cold War. The so-called iron triangle—the close relationship between the LDP, the banks, and big-business representatives—was a key factor behind Japan's economic success. The LDP government mandated that corporations, specifically construction firms in charge of major public-works projects, rely on banks for capital, and the banks in turn took large equity stakes in the companies. Over time, companies engaged in politically expedient but financially unviable projects in order to reap government rewards. The iron triangle came to be cited as a major source of corruption in the government.

The economy ran into trouble in the early 1990s, following a collapse in the stock and real-estate markets. While the fallout was extensive, the economy began slowly returning to a healthy state in 2002. The profits of Japanese companies recovered, and the banking sector emerged from more than a decade of difficulties.

In 2005, Prime Minister Junichiro Koizumi took a major political gamble. After the upper house of the Diet failed to pass his bill to privatize the postal system, which contained a massive, state-subsidized savings bank and life-insurance enterprise, he dissolved the lower house and called snap elections. Koizumi then barred LDP members who voted against his reform bill from participating in the elections as party candidates. His political brinkmanship produced a landslide victory, widely seen as a popular mandate to implement privatization reforms, that left the LDP with 296 of the 480 seats in the lower house. The allied New Komeito Party took 31 seats.

When Koizumi's term as party leader expired in 2006, Shinzo Abe—whose grandfather had been commerce and industry minister during World War II and later served as prime minister—succeeded him. Abe had risen to prominence as a supporter of a popular movement to demand the return of Japanese citizens previously kidnapped by North Korea. His firm stance against North Korea was reinforced when the communist state tested missiles capable of reaching Japanese cities and later tested a nuclear weapon for the first time in 2006. The new prime minister traveled to China and South Korea to repair relations with those countries, which had opposed Japan's bid to become a permanent member of the UN Security Council and objected to Koizumi's annual pilgrimages to the Yasukuni shrine. The shrine honored both Japanese soldiers killed in World War II and senior figures who were convicted of war crimes.

Koizumi and Abe continued to expand Japan's role in peacekeeping and security, although the military remained restricted by Article 9 of the country's pacifist constitution. Since 1992, Japanese troops have participated in several UN peacekeeping missions, and Japanese warships and aircraft have provided logistical support to U.S.-led forces in Iraq and Afghanistan. In 2006, Japan ended a two-year mission in Iraq in which 1,000 soldiers performed noncombat functions and supplied humanitarian aid. An airlift mission in the country was also phased out at the end of 2008.

Abe resigned in September 2007 after losing control of the upper house to the opposition Democratic Party of Japan (DPJ) in the July 2007 elections. The DPJ won 60 of the 121 seats at stake, for a new total of 109, while the LDP fell to a total of 83

and New Komeito sank to 20. Abe's tenure had been marred by repeated scandals and political gaffes. Five of his ministers had resigned in disgrace, and his agriculture minister committed suicide following revelations about questionable office expenses. Abe himself got into trouble after claiming there was no evidence that the government had any role in the creation of Japan's system of sexual slavery during World War II. Yasuo Fukuda, whose father had been prime minister in the 1970s, was elected to replace Abe by an overwhelming majority in the lower house. The 71-year-old was considered a moderate and a builder of consensus. However, after he failed to rally support and govern effectively, he too resigned abruptly in September 2008. Former foreign minister Taro Aso, the LDP secretary general, succeeded Fukuda later that month. Aso supported revising the constitution's Article 9 to simplify overseas military deployments. Despite ending its involvement in Iraq, Japan continued its refueling of American vessels in the Indian Ocean, but his government's top priority was to rejuvenate the faltering economy, which remained burdened with a government debt equal to 182 percent of the country's gross domestic product.

### Political Rights and Civil Liberties:

Japan is an electoral democracy. The prime minister—the leader of the majority party or coalition in the Diet's lower chamber, the House of Representatives—serves as head of government and appoints a cabinet of ministers. Members of the 480-seat House of Representatives serve four-year terms; 300 are elected in single-member constituencies and 180 are elected by party list in 11 regional districts. An upper chamber, the House of Councillors, consists of 146 members elected in multiseat constituencies and 96 elected by national party list; members serve six-year terms, with half facing election every three years. Emperor Akihito serves as the ceremonial head of state.

Several political parties compete for power. Currently, the LDP leads a coalition government with New Komeito, a small party with close ties to a national Buddhist organization. Ichiro Ozawa heads the opposition DPJ, which took control of the upper house in July 2007 elections. Other opposition parties include the Japanese Communist Party and the Social Democratic Party. The DJP has called for early general elections to oust the troubled LDP-led government.

Until leaving office in 2006, former prime minister Junichiro Koizumi focused his reform efforts on breaking down the corruption that resulted from the iron triangle system, mostly by loosening ties between the government and big business. Japan was ranked 18 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Japan's press is private and independent, but the presence of press clubs, or *kisha kurabu*, is an obstacle to press freedom. Press clubs ensure homogeneity of news coverage by fostering close relationships between the major media and bureaucrats and politicians. Government officials often give club members exclusive access to political information, leading journalists to avoid writing critical stories about the government and reducing the media's ability to pressure politicians for greater transparency and accountability. Reporters outside the press club system conduct most of Japan's investigative journalism. Internet access is not restricted.

Japanese of all faiths can worship freely. Religious groups are not required to be

licensed, but registering with government authorities as a "religious corporation" brings tax benefits and other advantages. There are no restrictions on academic freedom.

The constitution guarantees freedom of assembly and association. The political culture in Japan is strong, and there are active civic, human rights, social welfare, and environmentalist groups. Trade unions are independent, and with the exception of police and firefighters, all unionized workers have the right to strike.

Japan's judiciary is independent. There are several levels of courts, and suspects are generally given fair public trials by an impartial tribunal (there are no juries) within three months of being detained. Prison conditions comply with international standards, although prison officials have been known to use physical and psychological intimidation to enforce discipline or elicit confessions. The government sometimes restricts human rights groups' access to prisons. A new Penal Facilities and Treatment of Prisoners Law was adopted in 2006, replacing the 1908 law. It provides for a monitoring body to inspect prisons, improved access to the outside world for prisoners, and human rights education for prison staff. The National Police Agency is under civilian control and is highly disciplined, though reports of human rights abuses committed by police persist. While arbitrary arrest and imprisonment are not practiced, there is potential for abuse due to a law that allows the police to detain suspects for up to 23 days without charge in order to extract confessions.

Although the constitution prohibits discrimination based on race, creed, sex, or social status, certain groups continue to face unofficial discrimination. Japan's three million *burakumin*, who are descendants of feudal-era outcasts, and the indigenous Ainu minority suffer from entrenched societal discrimination that prevents them from gaining equal access to housing and employment opportunities. Foreigners generally, and Koreans in particular, suffer similar disadvantages.

Women in Japan have legal equality, but discrimination in employment is particularly widespread. In addition, sexual harassment on the job is common. Violence against women is a problem that often goes unreported because of concerns about family reputation and other social mores. While prostitution remains illegal, it is widespread. According to the U.S. State Department's 2008 Trafficking in Persons Report, Japan is primarily a destination country for people trafficked for commercial sexual exploitation. The issue of World War II-era sex slaves, known as comfort women, stirred controversy in 2007, when the U.S. House of Representatives passed a resolution calling on Japan to accept responsibility and provide compensation. The Japanese courts contend that compensation claims were settled by postwar treaties.

## Jordan

**Population:** 5,800,000

**Capital:** Amman

**Political Rights:** 5

**Civil Liberties:** 5\*

**Status:** Partly Free



**Ratings Change:** Jordan's civil liberties rating declined from 4 to 5 due to a series of arrests that brought citizens' right to speak freely into question.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	4,4PF	5,5PF	6,5PF	5,5PF	5,4PF	5,4PF	5,4PF	5,4PF	5,5PF

### Overview:

New legislation that took effect in Jordan in 2008 led to a significant decrease in the number of political parties, though the consolidation was seen as a potential boon to the remaining parties. Separately, the government proposed a civil society law that would seriously impede the activities of nongovernmental organizations. Restrictions on freedom of expression led to several arrests and jail sentences during the year.

The Hashemite Kingdom of Jordan, known as Transjordan until 1950, was established as a League of Nations mandate under British control in 1921 and won full independence in 1946. The turbulent 46-year reign of King Hussein, which began in 1953, featured a massive influx of Palestinian refugees, the loss of the West Bank to Israel in 1967, and numerous assassinations and coup attempts. Political parties were banned in 1956, and the parliament was either suspended or emasculated by government intervention in the electoral process. With political and civil liberties tightly restricted, Hussein proved adept at co-opting his political opponents. After economic austerity measures in the late 1980s sparked rioting and pressure for greater freedom, the government progressively eased restrictions on civil liberties, though the reform process suffered some reversals in the mid-1990s.

By the time Crown Prince Abdullah succeeded his father as king in 1999, the kingdom faced severe economic problems. The expected "peace dividend" from Jordan's 1994 peace treaty with Israel had failed to improve conditions for most of the population, and Abdullah began major economic reforms. Meanwhile, additional restrictions on the media, public protests, and civil society activity were imposed after groups including Islamists, leftists, and Jordanians of Palestinian descent staged demonstrations to demand the annulment of the 1994 treaty and express support for the Palestinian uprising (*intifada*) against Israel that began in 2000.

In 2001, Abdullah dissolved the parliament, postponed elections scheduled for November, and replaced elected municipal councils with state-appointed local com-

mittees. For more than two years, he ruled by decree, issuing more than 200 "temporary laws" that weakened due process and restricted freedoms of expression and assembly.

The king allowed reasonably free and transparent—though not fair—parliamentary and municipal elections in 2003. In an informal understanding with the palace, dissident leftist and Islamist groups gained limited freedom of expression and political participation, and agreed to curtail their agitation against Jordan's pro-U.S. foreign policy.

After terrorist bombings struck Amman in November 2005, Abdullah replaced his security advisers, dissolved the Senate, and appointed a new cabinet in 2006. In August of that year, the parliament approved a new antiterrorism law that gave military courts jurisdiction over terrorism cases and permitted surveillance of terrorism suspects and the detention of suspects for up to 30 days. The government also announced a major political reform plan in 2006, which called for equal rights for women and increased freedom of association. Though there was progress in 2007 on new legislation governing political parties, essential electoral reforms continued to stall.

Hostile rhetoric between the government and the Islamic Action Front (IAF), Jordan's main opposition movement, increased ahead of municipal and parliamentary elections in 2007. Security forces arrested nine IAF members between May and June for "threatening national security." The IAF withdrew from the July municipal polls in protest, but won 2 out of the 965 contested seats. Only 6 of 22 IAF candidates won seats in the November parliamentary elections, which were marred by irregularities.

A controversial law on political parties took effect in 2008. It raised from 50 to 500 the number of members necessary for a party to register, and increased the number of districts from which those members must be drawn. In April, the Interior Ministry dissolved 17 political parties that did not meet the new requirements; another 5 merged with other parties. The changes brought the number of registered parties down to 14, from the previous 37. While some analysts suggested that the new law would allow parties to consolidate their power and play a larger role in Jordanian politics, others saw the reform as profoundly undemocratic.

**Political Rights and Civil Liberties:** Jordan is not an electoral democracy. King Abdullah II holds broad executive powers, appoints the prime minister and cabinet, and may dissolve the National Assembly and dismiss the cabinet at his discretion. The 110-seat lower house of the National Assembly, elected through universal adult suffrage, may approve, reject, or amend legislation proposed by the cabinet, but is limited in its ability to initiate legislation. It cannot enact laws without the assent of the 55-seat upper house, or Senate, whose members are appointed by the king. Members of both houses serve four-year terms. Regional governors are appointed by the central government.

The electoral system is heavily skewed toward the monarchy's traditional base of support. Voters in the 45 multiseat parliamentary districts each choose a single candidate, which favors tribal and family ties over political and ideological affiliations. In addition, rural districts with populations of Transjordanian origin are over-represented relative to urban districts, where most Jordanians of Palestinian descent

reside. Activists have repeatedly called for a new electoral law based on proportional representation, but the government did not act on its pledges to reform the law before the 2007 elections. A separate law passed in 2007 cleared the way for that year's municipal elections, in which all mayors and council members were elected, though an exception for Amman meant that half of that city's council members would continue to be appointed.

Corruption persists in the executive and legislative branches, though the authorities have made progress in combating it in recent years. The government is sensitive to public charges of corruption. An independent Anticorruption Commission was established in 2007, and it sent 21 cases involving public figures to the courts in the first half of the year. The commission also published an anticorruption strategy for 2008-12. The head of the royal court, Basem Awadallah, was forced to resign in September 2008 for reasons including the surfacing of corruption allegations. Jordan was ranked 47 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is restricted, and those who violate redlines regarding the royal family and certain societal taboos face arrest, causing widespread self-censorship. A dual French-Jordanian citizen was arrested and sentenced to one year in prison, later reduced to three months, in March 2008. He had insulted the king and the country in a taxi and again at a police station. Also during the year, a Jordanian poet whose love poems including Koranic verses was arrested and accused of apostasy, and the prime minister's office forced the head of Jordan's National Center for Human Rights (NCHR) to resign after the center published negative reports on the state of Jordan's prisons and the fairness of the 2007 elections.

While changes to the press and publications law in 2007 abolished imprisonment as a penalty for press offenses, journalists are still jailed under the penal code. In two separate cases in March 2008, five journalists received three-month sentences for "insulting the judiciary and commenting on its rulings" and for insulting government officials. The media enjoyed more freedom to criticize the government and public figures while the Awadallah case was unfolding. However, this appeared to be the result of intragovernmental politics rather than press liberalization; Awadallah is a neoliberal of Palestinian descent, whereas members of the intelligence services that monitor the press are generally more conservative and of Transjordanian descent.

The government has issued several private broadcasting licenses, but most broadcast news outlets remain under state control. Satellite dishes are widespread, giving most residents access to foreign media. Jordan's first private television station, ATV, was approved in late 2005, though its planned launch has been delayed since early 2007. While there are dozens of private newspapers and magazines, the government has broad powers to close them. Authorities are routinely tipped off about potentially offensive articles by informers at printing presses, and editors frequently come under pressure to remove such material. Intelligence agents often call journalists with warnings about their writing. In October 2008, the editor of a privately owned weekly was arrested for insulting the governor of Amman. He was released from prison in November after paying a 3,000 dinar fine (approximately US\$4200), but still faced charges of inflaming sectarian strife and sowing national discord at year's end. While the government denies restricting access to the internet, and in fact actively promotes it, websites airing critical views have been blocked in



the past. The Cairo-based Arab Network for Human Rights Information reported in March 2008 that new regulations had forced internet cafes in Jordan to install cameras to monitor users.

Islam is the state religion. Sunni Muslims constitute 92 percent of the population, but Christians and Jews are recognized as religious minorities and can worship freely. Baha'is and Druze are allowed to practice their faiths, but they are not officially recognized. The government appoints Islamic clergy, pays their salaries, and monitors sermons at mosques, where political activity is banned. Preachers must obtain written government permission to lead services or teach the Koran. Only state-appointed councils may issue religious edicts, or fatwas, and it is illegal to criticize these rulings. Christian missionaries have reported that 27 missionary families were denied residency permits or deported in 2007.

Academic freedom is generally respected, and Jordanians openly discuss political and societal developments. However, certain limits remain in place, and there have been reports of a heavy intelligence presence on some university campuses. In September 2008, the vice-dean of a private university was arrested for allegedly harassing and verbally abusing students of Transjordanian descent and insulting the king.

Freedom of assembly is heavily restricted. A draft law would keep the requirement that organizers of meetings obtain permission from provincial governors, but it would reduce the advance notice for seeking permission from 72 to 48 hours and require governors to respond to such requests within 24 hours. Permission to assemble is sometimes denied. Demonstrations protesting price hikes and Israel's blockade of the Gaza Strip were banned in 2008, as was a women's charity breakfast and an academic workshop on the effects of lifting fuel subsidies.

Freedom of association is limited. While dozens of licensed nongovernmental organizations (NGOs) operate freely, the government in 2008 introduced new legislation that would severely limit their independence. Under the measure, the government would have supervisory power over NGO budgets and the authority to reject foreign funding. It would also ban NGOs from "religious or sectarian" activities, and NGOs would have to submit their future plans for line-by-line government approval. The legislation was not approved by the end of the year.

Workers have the right to bargain collectively but must receive government permission to strike. More than 30 percent of the workforce is organized into 17 unions. The government has threatened to dissolve the Professional Associations Council (PAC), which has mounted protests in the past, and a draft law barring professional associations from engaging in politics is awaiting decision in the parliament.

The judiciary is subject to executive influence through the Justice Ministry and the Higher Judiciary Council, most of whose members are appointed by the king. While most trials in civilian courts are open and procedurally sound, the State Security Court (SSC) may close its proceedings to the public. A temporary law promulgated in 2001 allows the prime minister to refer any case to the SSC and denies the right of appeal to people convicted by the SSC of misdemeanors.

Jordanian citizens enjoy little protection from arbitrary arrest and detention. Under the constitution, suspects may be detained for up to 48 hours without a warrant and up to 10 days without formal charges being filed; courts routinely grant prosecutors 15-day extensions of this deadline. Even these protections are denied to suspects

referred to the SSC, who are often held in lengthy pretrial detention and refused access to legal counsel until just before trial. The UN Special Rapporteur on torture found in 2006 that "torture is systematically practiced" by the General Intelligence Department (GID), which interrogates suspects to obtain confessions in SSC cases. Nearly every defendant tried by the SSC has claimed they were tortured.

Prison conditions are poor, and inmates are reportedly subject to severe beatings and other abuse by guards. In April 2008, inmates in two jails set fire to their cells and clashed with security forces. Three people were killed and over 100 others were wounded in two days of riots. The NCHR attributed the prisoner violence to poor treatment and said inmates "were severely beaten by police members even after the riots subsided." Labor laws do not protect foreign workers. Freedom of movement and travel is generally respected.

Women enjoy equal political rights but face legal discrimination in matters involving inheritance and divorce—which fall under the jurisdiction of Sharia (Islamic law) courts—and child custody. Government pensions and social security benefits also favor men. A 2002 temporary law granting women the right to initiate divorce proceedings has been rejected repeatedly by the legislature, but remains in effect. Although women constitute only 14 percent of the workforce, the government has made efforts to increase the number of women in the civil service. Women are guaranteed a quota of six seats in the lower house of parliament and, under the 2007 municipalities law, 20 percent of the seats in municipal councils. Article 98 of the penal code allows for lenient treatment of those who commit a crime in a "state of fit or fury" resulting from an unlawful or dangerous act on the part of the victim. In practice, this provision is often applied to benefit men who commit "honor crimes" against women. In some cases, an administrative governor may incarcerate a woman for her "own protection" without benefit of due process; some women have spent years in prison because they have no safe alternative. In 2008, however, the parliament passed a bill imposing penalties, including jail time, on perpetrators of domestic violence. The law also allows authorities to detain alleged abusers for 24 hours to protect victims and permits victims to seek compensation for physical harm or psychological abuse.

## Kazakhstan

**Population:** 15,700,000

**Capital:** Astana

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

Kazakhstan's government failed to implement democratic reforms in 2008 despite pledges it made as part of a successful campaign for the 2010 chairmanship of the Organization for Security and Cooperation in Europe. Elections to the upper house of Parliament took place without any opposition candidates; the polls came a year after lower house elections left only the ruling party represented in that chamber. Meanwhile, beleaguered independent media continued to face harassment during the year.

Kazakh Communist Party leader Nursultan Nazarbayev won an uncontested election that confirmed his position as president in December 1991, two weeks before Kazakhstan gained its independence from the Soviet Union. The country's first legislative polls, in 1994, were invalidated by the Constitutional Court a year later because of numerous irregularities. Nazarbayev subsequently dissolved the legislature and in April 1995 called a referendum on extending his five-year term, due to expire in 1996, until December 2000. A reported 95 percent of voters endorsed the move. An August 1995 referendum that was boycotted by the main opposition parties approved a new constitution designed to strengthen the presidency. Nazarbayev's supporters captured most of the seats in December 1995 elections for a new bicameral Parliament.

In October 1998, Parliament amended the constitution to increase the presidential term from five to seven years and moved the presidential election forward from December 2000 to January 1999. The main challenger was disqualified on a technicality, and Nazarbayev was reelected with a reported 80 percent of the vote.

Prominent business leaders, some of whom held positions in Nazarbayev's administration, founded the opposition Democratic Choice of Kazakhstan (DCK) party in late 2001, with the stated goal of pursuing democratization, rule of law, and anti-corruption efforts. However, some observers maintained that the group merely aimed to safeguard its members' political and economic interests while countering those of the president's family and close associates. Two of the DCK's cofounders were imprisoned in a 2002 crackdown, and although both were eventually released, the DCK was disbanded by court order in January 2005.

Progovernment parties captured all but one seat in the 2004 elections for the lower house of Parliament. The lone opposition deputy refused to take up his position until late 2006 to protest the conduct of the elections. International monitors from the Organization for Security and Cooperation in Europe (OSCE) found some improvements over previous polls, but criticized the lack of political balance on election commissions, media bias in favor of pro-presidential candidates, and the politically motivated exclusion of candidates.

The president again secured reelection in 2005 with 91 percent of the vote amid opposition allegations of fraud. An international monitoring report found intimidation and media bias in favor of the incumbent.

Political violence flared in 2005-06, with the suspicious suicide of opposition leader Zamanbek Nurkadilov in December 2005 and the murder of Altynbek Sarsenbayev, a leading member of the opposition coalition For a Just Kazakhstan, in February 2006. The investigation of Sarsenbayev's killing pointed to the involvement of state security officers but left many questions unanswered. The trial of Yerzhan Utembayev, former head of the Senate administration, and his sentencing to a 20-year prison term for organizing the murder were marred by reports of coerced confessions and suspicions that higher officials were involved in the crime.

Constitutional changes in May 2007 removed term limits for Nazarbayev as the country's founding president, opening the possibility of a lifetime presidency. The amendments also eliminated individual district races for the lower house of Parliament, leaving only party-slate seats filled by nationwide proportional representation. Parliamentary elections held under the new rules in August produced a one-party legislature after the pro-presidential Nur Otan party garnered 88 percent of the vote and no opposition parties cleared the 7 percent threshold required to enter Parliament. Opposition protests were ineffectual, and the government ignored an OSCE report that faulted "elements of the new legal framework" and the vote count. No opposition candidates participated in the October 2008 indirect elections for the upper house of Parliament.

The personalized and precarious nature of politics in Kazakhstan were brought into sharp relief in 2007-08 by the fall of Rakhat Aliyev, whose marriage to one of the president's daughters, Darigha Nazarbayeva, had paved his way to a media empire and positions as high as deputy foreign minister. He was sent to Austria as Kazakhstan's ambassador in February 2007 after the disappearance of two managers at a bank he controlled. Kidnapping charges were filed against him in May, and he ultimately sought political asylum in Austria, divorced his wife, and lost his media outlets in Kazakhstan. Although he received two 20-year, in-absentia prison sentences for illegal business practices, kidnapping, and weapons possession, he used his relative freedom in Austria to level a steady stream of corruption charges at President Nazarbayev and the political system over which he presided.

Kazakhstan continued to seek warm relations with all major powers in 2008, and adopted a relatively neutral posture on Russia's invasion of Georgia in August. Nazarbayev's insistence on a "Kazakhstani path" of development in a July address suggested that authoritarian rule—sustained by the exploitation of abundant mineral wealth—would continue to take precedence over democratic reform. Government-sponsored amendments to laws on elections, political parties, and the media passed in the lower house of parliament in December 2008 with an eye for the

country's 2010 OSCE chairmanship, but were described by Human Rights Watch as "more superficial and pro forma than substantial."

**Political Rights  
and Civil Liberties:**

Kazakhstan is not an electoral democracy. The constitution grants the president considerable control over the legislature, the judiciary, and local governments. The removal of term limits for the country's "first president" in May 2007 cleared the way for President Nursultan Nazarbayev to stay in office after the end of his current seven-year term in 2012.

The upper house of the bicameral Parliament is the 47-member Senate, with 32 members chosen by directly elected regional councils and 15 appointed by the president. The senators serve six-year terms, with half of the 32 elected members up for election every three years. In accordance with the May 2007 constitutional amendments, the size of the lower house (Mazhilis) was raised from 77 deputies to 107, with 98 elected by proportional representation on party slates and 9 appointed by the Assembly of Peoples of Kazakhstan, which represents the country's various ethnic groups. Members serve five-year terms. Parties must clear a 7 percent vote threshold to enter the Mazhilis, and once elected, deputies must vote with their party. A June 2007 law also prohibited parties from forming electoral blocs. These rules prevented opposition parties from winning representation in the August 2007 elections, as none of them cleared the 7 percent threshold. The vote count and electoral framework drew criticism from international monitors. No opposition candidates participated in the 2008 Senate elections, allowing the ruling Nur Otan party to capture all 16 seats at stake; the 47-member body currently includes no opposition members.

The country's broader law on political parties prohibits parties based on ethnic origin, religion, or gender. A 2002 law raised from 3,000 to 50,000 the number of members that a party must have to register.

Corruption is widespread at all levels of government. The U.S. Justice Department continues to investigate the so-called Kazakhgate scandal, in which U.S. oil companies allegedly paid bribes to secure lucrative contracts in the 1990s. Rakhat Aliyev's 2008 allegations of high-level corruption, though leveled with an obvious ulterior motive, were accompanied by some documentary evidence and matched reports from numerous other sources. Kazakhstan was ranked 145 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While the constitution provides for freedom of the press, the government has repeatedly harassed or shut down independent media outlets through measures including politicized lawsuits and confiscation of newspapers. Libel is a criminal offense, and the criminal code prohibits insulting the honor and dignity of the president; self-censorship is widespread. Amendments to the media law in 2006 added new regulatory and registration requirements. Most media outlets, including publishing houses, are controlled or otherwise influenced by members of the president's family or other powerful interest groups. The creation in July 2008 of the Arna National Information Holding, which includes the national TV and radio stations and major progovernment news agencies and newspapers, raised further concerns about the consolidation and dominance of progovernment media. Independent outlets continued to face harassment in 2008, including shots fired at the offices of the newspaper *Taszharghan* in April and attacks on correspondents of the *Liter* newspaper in June.

The content of websites has been subject to libel laws, and the government at times has moved to block websites that are critical of the regime. In October 2008, users in Kazakhstan reported problems accessing LiveJournal after Rakhat Aliyev started a blog on the website to air corruption allegations against the country's leadership.

The constitution guarantees freedom of worship, and many religious communities practice without state interference. Local officials have harassed groups defined as "non-traditional," such as Hare Krishnas, Baptists, and Jehovah's Witnesses, and amendments to national security legislation in 2005 made all activities by unregistered religious groups illegal. A 2005 extremism law gives the government great discretion in identifying and designating groups, including religious organizations, as extremist and in banning their activities. Amendments to religion laws passed by both chambers of Parliament in 2008 would for the first time explicitly ban unregistered religious activity and stiffen penalties for violations; they had not, however, been signed by the president at year's end.

The government reportedly permits academic freedom, except with respect to criticism of the president and his family. Corruption in the education system is widespread, and students frequently bribe professors for passing grades. The government has used oil revenues to increase funding for education, however; teachers received salary increases in 2007, with further pay hikes to come through 2011.

Despite constitutional guarantees, the government imposes restrictions on freedom of association and assembly. In March 2008, police arrested 11 people for an illegal demonstration in Almaty to protest housing expropriations. The authorities harass nongovernmental organizations (NGOs) that address sensitive issues through measures including tax investigations and surveillance by law enforcement and security agencies. Student activist Dmitry Tikhonov told Human Rights Watch that he was threatened and beaten in July 2008 after attempting to organize a protest against public transport price hikes in Taraz. Amendments to the *tax code* in 2008 removed two exemptions for NGOs. Workers have the legal right to form and join trade unions and participate in collective bargaining, and a number of unions operate in the country. Workers have engaged in strikes and scored occasional successes, primarily pertaining to the nonpayment of wages.

The constitution significantly constrains the independence of the judiciary, making it subservient to the executive branch. Judges are subject to bribery and political bias, and corruption is evident throughout the judicial system. Conditions in pretrial facilities and prisons are harsh. Police at times abuse detainees during arrest and interrogation, often to obtain confessions, and arbitrary arrest and detention remain problems. Allegations of coerced confessions dogged the trial of Yerzhan Utembayev for the killing of opposition leader Altynbek Sarsenbayev in 2006. Investigations of several former associates of Rakhat Aliyev after the latter's exile appear to be politically motivated. The former deputy director of the National Security Committee (KNB), Zhomart Mazhrenov, reportedly hanged himself in a KNB detention facility in July 2008. He had been charged with abuse of power in a case linked to Aliyev, and with electronic surveillance of top officials. His apparent suicide, which took place under suspicious circumstances, meant that he would not face trial or testify in court.

Since Kazakhstan's independence, much of the large ethnic Russian population has

emigrated. Many of the remaining Russians, most of whom do not speak Kazakh, have complained of discrimination in employment and education. However, in 2007, the Constitutional Court affirmed the equality of the Russian and Kazakh languages.

While the rights of entrepreneurship and private property are formally protected, equality of opportunity is limited by bureaucratic hurdles and the control of large segments of the economy by clannish elites and government officials. A 2003 land code provides for private ownership, but critics have charged that the law primarily benefits wealthy individuals with close government ties. Astana residents whose homes have been demolished to make way for large construction projects have said they were denied legally guaranteed compensation.

Traditional cultural practices and the country's economic imbalances limit professional opportunities for women. The current 107-member lower house of Parliament includes only 17 female deputies. Domestic violence often goes unpunished, as police are reluctant to intervene in what are regarded as internal family matters. Despite legal prohibitions, the trafficking of women for the purpose of prostitution remains a serious problem. The country's relative economic prosperity has drawn migrant workers from neighboring countries, who often encounter poor working conditions and a lack of legal protections.

## Kenya

**Population:** 38,000,000

**Capital:** Nairobi

**Political Rights:** 4

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	4,4PF	3,3PF	3,3PF	3,3PF	3,3PF	4,3PF	4,3PF

**Overview:** In early 2008, Kenya suffered widespread violence and social dislocation stemming from significant irregularities in the December 2007 presidential election, in which incumbent Mwai Kibaki claimed victory. Kibaki and opposition leader Raila Odinga in late February negotiated a compromise agreement under which Odinga obtained the newly created post of prime minister and his party joined a coalition cabinet. A Commission of Inquiry into Post-Election Violence began operating in June, and its report, issued in October, called for the creation of a special tribunal with the mandate to prosecute crimes committed as a result of the postelection violence.

Kenya achieved independence from Britain in 1963. Nationalist leader Jomo Kenyatta was president until his death in 1978, and Vice President Daniel arap Moi

succeeded him. While the Kenyan African National Union (KANU) party remained in power, Moi diminished the influence of the previously dominant Kikuyu ethnic group, favoring his own Kalenjin group instead.

In 1992, after a lengthy period of single-party rule, domestic unrest and pressure from international aid donors forced Moi to hold multiparty elections, though he was reelected in controversial balloting. In the next presidential and legislative elections in 1997, Moi again defeated a divided opposition.

KANU's election victories were achieved through political repression, massive use of state patronage, media control, and dubious electoral procedures. Meanwhile, physical violence, an often-docile judiciary, extensive police powers, and executive decrees were used against political opponents and in efforts to undermine the wider civil society. Limits on political and civil rights were common under Moi, as was corruption in the ruling party and government. In the 1990s, government-sponsored ethnic violence heightened political polarization. The violence was perpetrated, in most cases, by Kalenjin or Maasai KANU supporters against members of the Kikuyu and Luhya ethnic groups, who were believed to support opposition parties. Despite these problems, political space for opposition views continued to open, and many of the core elements necessary for a democratic political system developed.

With Moi retiring, the opposition united to contest the 2002 elections as the National Rainbow Coalition (NARC). Its presidential candidate, Mwai Kibaki, defeated KANU's Uhuru Kenyatta, the son of Kenya's first president. The NARC also won the majority of seats in the National Assembly. The new leadership embarked on an ambitious reform program that included tackling corruption, addressing economic and social problems, and undertaking institutional changes designed to promote democracy.

Despite some successes, the reform efforts were blunted by a number of factors, including the fragility of the governing coalition, a complex and unsuccessful constitutional reform process, significant fiscal constraints, and the threat of terrorism. An independent anticorruption commission began to investigate more than 3,000 cases of alleged corruption in 2003, but its work yielded few successful prosecutions. Furthermore, new corruption scandals emerged during Kibaki's tenure. John Githongo, the respected head of Transparency International's Kenya chapter whom Kibaki had appointed to lead the Office of Governance and Ethics, resigned from that post in early 2005, citing his frustrations with ongoing corruption and the Kibaki administration's failure to enact meaningful reforms.

The lively press and public investigative commissions became increasingly critical of the substance and slow pace of the government's reforms. After a lengthy drafting period, a revised constitution was submitted to a referendum in November 2005. The final draft offered by the National Assembly envisioned a relatively weak new post of prime minister, reinforcing the powers of the president, and opted to maintain a single legislative chamber instead of creating a bicameral parliament. The draft charter also would have impeded the ability of the National Assembly to impeach the president, and gave the executive extensive powers over the redrawing of electoral districts. These changes sparked considerable popular unrest, and the draft was soundly rejected by referendum voters.

In January 2006, Githongo issued an authoritative report indicating that corruption had reached the highest ranks of the government. The findings implicated the



vice president and prompted the resignation of several ministers. In March, security forces raided an independent television network that had been critical of the government, adding to doubts among international donors concerning the administration's willingness and ability to enact positive reforms and improve governance.

Kenya's democratic and economic development suffered a sharp reversal as a result of the apparent manipulation of the December 2007 presidential election. While the concurrent parliamentary polls showed major gains for the opposition Orange Democratic Movement (ODM), Kibaki was declared the winner of the presidential vote amid credible, multiple allegations of fraud. He had long been accused of favoring his Kikuyu ethnic group, and the presidential results sparked weeks of violence between the Kikuyu, Luo, and other groups. The fighting claimed more than 1,500 lives and resulted in the displacement of over 300,000 people from their homes, although many eventually returned or were relocated by the government. In late February 2008, Kibaki and ODM presidential candidate Raila Odinga, a Luo, negotiated a compromise agreement in which Odinga gained the newly created post of prime minister and his party joined Kibaki's recently formed Party of National Unity (PNU) in a coalition cabinet. The new cabinet, unveiled in April, included a total of some 40 ministers to accommodate both sides.

In the wake of the violence, a Commission of Inquiry into Post-Election Violence (CIPEV), also known as the Waki commission, began operating in June 2008. Its report, issued in October, concluded that systemic institutional failures in Kenya's internal security mechanisms, governmental impunity, and popular anger were the primary instigating factors in this crisis. The report called for the creation of a special tribunal to prosecute crimes committed as a result of postelection violence. The report also recommended that in the absence of such a tribunal, the names of instigators of the violence be sent to the International Criminal Court for possible prosecution. By year's end the parliament had yet to vote on legislation to establish the special tribunal.

Forecasts of Kenya's economic growth for 2008 and 2009 rebounded somewhat with the restoration of peaceful conditions. The IMF predicted that growth in 2008 would be close to 4 percent, followed by 7 percent growth in 2009. Inflation increased to an annual rate of approximately 30 percent, according to the Kenyan National Bureau of Statistics, well above that of its neighbors.

### **Political Rights**

#### **and Civil Liberties:**

Kenya is not an electoral democracy. While there were few claims of irregularities in the December 2007 parliamentary polls, which the opposition won, credible reports on the flawed presidential vote highlighted apparent vote rigging and other administrative manipulations that had the effect of favoring the incumbent, Mwai Kibaki. The election commission nevertheless declared Kibaki the winner, and he was quickly sworn in. The ruinous aftermath raised fundamental concerns about the integrity and credibility of the electoral process. In September 2008, an international commission, the Independent Review Commission (IREC), issued a final report stating that the legitimacy of the election results was undermined by several factors, including a defective voter registry and widespread fraud. The report also recommended serious and far-reaching electoral reforms, including strengthening the independence of the election commission and improving the trustworthiness of the voter registration process.

The president is elected for a five-year term. He now shares power with a prime minister who is the leader of the largest party or coalition in the National Assembly. The unicameral body consists of 210 members elected for five-year terms, with an additional 12 members appointed by the president and nominated by the parties on the basis of their shares of the popular vote. Political parties representing a range of ideological, regional, and ethnic interests are active and vocal, and there are no significant impediments to party formation.

Corruption continues to be a very serious problem that threatens Kenya's nascent democracy. Political parties, nongovernmental organizations (NGOs), and the press, as well as some official bodies, have unearthed examples of government corruption and malfeasance. The 2006 report by anticorruption campaigner John Githongo was merely the most serious of many credible reports of high-level corruption. However, official probes and prosecutions have yielded meager results. Since 2003, the Kenya Anti-Corruption Commission's efforts have led to only 51 convictions. In 2008, the government's cut-rate sale of the Grand Regency Hotel in Nairobi to a group of Libyan investors prompted new accusations of graft. Transparency International's 2008 Corruption Perceptions Index ranked Kenya 147 out of 180 countries surveyed. Respondents to the 2008 Kenya Bribery Index stated that they encountered bribery in 56 percent of their interactions with public and private institutions. The report also identified the police, the Ministry of Lands, and the Ministry for Local Government as the entities most affected by corruption.

The constitution provides for freedom of speech and a free press. These rights are generally respected in practice, and Kenya enjoys one of the liveliest media environments on the continent. However, the country's record was seriously marred in March 2006, when security forces sacked the independent KTN television station and stole documents and equipment. Amid the violence that followed the December 2007 elections, the authorities imposed a temporary ban on live broadcasts. A number of private television and radio stations operate, although their reach is limited. The government-owned Kenya Broadcasting Corporation continues to dominate the broadcast media, particularly outside urban centers. The government does not restrict access to the internet.

The authorities largely uphold respected freedom of religion, though there have been some reports of government hostility toward Muslims. Religious tension has risen since terrorist attacks in 1998 and 2002 that were associated with Islamic fundamentalism, but religion was not a major element of the unrest in early 2008. A record 13 Muslims were appointed to the new cabinet in April 2008.

Academic freedom is the norm in Kenya, reflecting the country's broader respect for freedom of thought. However, Kibaki has been accused of appointing cronies to high positions at universities. The 2008 Kenya Bribery Index determined that private colleges and universities ranked high among entities engaged in corruption; bribes are frequently paid to ensure entry into the most prestigious institutions.

The postelection crisis had an at least temporary chilling effect on freedom of private discussion, as many individuals became hesitant to discuss ethnic-related issues openly.

The constitution guarantees freedom of assembly. This right is generally respected, although there have been cases of unnecessary use of force at demonstrations, and public gatherings were curtailed during the 2008 postelection violence.

One of the core strengths of Kenya's political culture, even in recent periods of political polarization, has been its robust civil society. Public policy NGOs have had some significant advocacy successes, especially in comparison with those in other formerly authoritarian countries.

There are some 40 trade unions in the country, representing about 500,000 workers. Most of the unions are affiliated with the one approved national federation, the Central Organization of Trade Unions (COTU). All workers other than police officers are legally free to join unions. The Industrial Relations Charter—executed by the government, the COTU, and the Federation of Kenya Employers—gives workers the right to engage in legitimate trade union organizational activities. Some unions have complained that employers resist efforts to establish unions in their factories, even when most workers express their desire to organize, and that the relevant government bodies have been ineffective in enforcing the law. Both the Trade Disputes Act and the charter authorize collective bargaining between unions and employers. Historically, much of the trade union movement has been subservient to the authorities, but this dominance has ebbed somewhat in recent years.

Although Kenya's judicial system is based on the British model, its actions have reflected the primacy of the executive branch for much of the period since independence. The Kibaki government came to power promising that the rule of law would be upheld and judicial independence strengthened. However, a 2005 report by the International Commission of Jurists concluded that corruption in the justice system remained a serious impediment to the rule of law, a view that was echoed by Kenya's attorney general in 2008. Draft legislation designed to give the judiciary more control over its budget has languished in the parliament. The courts are understaffed and underfinanced, leading to long trial delays that violate defendants' right to due process. The country has officially recognized Kadhi courts, which administer Sharia (Islamic law) for issues including marriage and inheritance in areas with a predominantly Muslim population. The 2008 inquiry on the postelection violence noted the role of the public's lack of confidence in the judiciary, and called for the establishment of a truth, justice, and reconciliation commission. Legislation to establish the commission was passed by parliament and signed by President Kibaki in November.

While there are checks on arbitrary arrest in the legal system, they are not uniformly respected. Police still use force to extract information from suspects and deny them access to legal representation. Security forces engaged in extrajudicial killings during the 2008 postelection violence. Also during the year, prison guards went on strike to protest low pay and substandard living conditions. While prisons are overcrowded, the government has taken steps to reduce this problem.

Kenya's population comprises more than 40 ethnic groups, and friction between them has led to frequent allegations of discrimination and periodic episodes of violence. Land disputes frequently underlie ethnic clashes, as seen in the 2008 fighting. Kikuyu, Luo, and Kalenjin populations in the Rift Valley harbor strong resentments about land distribution and economic and political rights. The Mungiki sect of mainly Kikuyu youth has been associated with postelection and other criminal violence. Members of the Nubian community, most of whom are Muslim, claim that the government discriminates against them by trying to eliminate their ethnic identity. The continued presence and, at times, criminal activities of Somali refugees have exacer-

bated the problems faced by that minority. Other factors contributing to ethnic tension include widespread firearms possession, the commercialization of traditional cattle herding, poor economic conditions, drought, and ineffective security forces. Government-instigated violence and political conflict have also increased animosity during the past decade.

The Waki commission's report cited specific cases of both state and opposition-sponsored violence and massive internal population displacements in the early 2008 postelection crisis. In addition, the population movements led in some cases to expropriation of property and belongings. Despite government relocation efforts, some refugee camps remained open at the end of 2008.

Women in Kenya continue to face serious obstacles. They are denied equal property rights, putting them at greater risk of poverty, disease (including HIV/AIDS), violence, and homelessness. Kenyan women's rights groups have pointed out that 60 percent of the charges stemming from the 2008 postelection violence involved cases of rape, and that there was evidence that police committed the most abuses against women. Several gender-equity bills remain at the discussion stage in the National Assembly. Traditional attitudes limit the role of women in politics, although there are no legal restrictions and some progress has been made. According to the Inter-Parliamentary Union, the 2007 elections increased the number of women in the National Assembly to 20, or about 8 percent of the total.

According to the 2007 Kenya AIDS Indicator Survey, the national HIV prevalence rate among adults was 7.8 percent, with 1.4 million Kenyans living with HIV at the end of 2007. The national HIV prevalence rate had been 6.7 percent in 2003.

## Kiribati

**Population:** 100,000

**Capital:** Tarawa

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

President Anote Tong in 2008 continued his efforts to raise awareness of the threats posed to Kiribati by rising sea levels and dwindling supplies of fresh water. The government sought assistance on those issues from Australia, New Zealand, and the broader international community, raising the prospect that Kiribati's population would eventually need to be resettled elsewhere.

Kiribati gained independence from Britain in 1979. The country consists of 33 atolls scattered across nearly 1.5 million square miles of the central Pacific Ocean, as well as Banaba Island in the western Pacific. Twenty of the atolls are inhabited, and most face possible inundation as sea levels rise.

Chinese military ambitions in the Pacific and competing offers of development assistance from China and Taiwan have been major issues in Kiribati politics in recent years. President Teburoro Tito's refusal to release details about a land lease to China for a satellite-tracking facility led to his removal through a no-confidence vote in 2003. Anote Tong, the opposition leader, was elected to replace him. Tong immediately terminated the 15-year lease and restored ties with Taiwan in 2004.

In the August 2007 parliamentary elections, which were considered free and fair, independents took 19 seats, followed by Tong's Pillars of Truth (Boutokaan Te Koaua, or BTK) party with 18 seats, and former president Tito's Protect the Maneaba (Maneaban Te Mauri, or MTM) party with 7 seats. Tong secured a second four-year term in the October 2007 presidential election.

In 2008, Tong continued his efforts to raise international awareness of the threats Kiribati faced from rising sea levels and dwindling supplies of fresh water. During a foreign trip in June, he warned that Kiribati's population might need to be relocated to New Zealand, Australia, or other countries if ongoing climate change made inundation inevitable.

The government is the main employer, and many residents practice subsistence agriculture. The economy depends considerably on foreign assistance and worker remittances, and the state generates a small sum from selling licenses to foreign fishing fleets. The main exports are dried coconut meat and fish. Interest from a well-managed trust fund built on royalties from phosphate mining has balanced the national budget and kept the country debt free.

**Political Rights and Civil Liberties:** Kiribati is an electoral democracy. The president is popularly elected in a two-step process, with Parliament nominating candidates from its own ranks and voters then choosing one to be president. In 2007, the number of popularly elected representatives in the unicameral House of Parliament (Maneaba Ni Maungatabu) increased from 40 to 44, all serving four-year terms. One additional member is nominated by the Rabi Island Council, and the attorney general holds a seat *ex officio*. (Although Rabi Island is a part of Fiji, many residents were originally from Kiribati's Banaba Island. British authorities forced them to move to Rabi when phosphate mining made Banaba uninhabitable.) The president, vested with executive authority by the constitution, is limited to serving three four-year terms.

The major parties are the BTK and MTM. Political parties are loosely organized and generally lack fixed ideologies or formal platforms. Geographical, tribal, and personal loyalties are more important determinants of political affiliation.

Official corruption and abuse are serious problems, and the government has not shown a commitment to address them. Kiribati was ranked 96 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech is generally respected, but the government has a record of restricting opposition criticism. In 2002, the Newspaper Registration Act was amended to give the government the authority to shut down newspapers. The

changes were passed after embarrassing accounts of government abuses were published in a monthly BTK political pamphlet owned by Jeremia Tabai, a former president. Tabai is also publisher of the weekly *Kiribati Newstar* and owner of the radio station Newair FM 101, to which the government had denied a broadcast license until 2002. In 2004, the new government repealed the 2002 changes to the Newspaper Registration Act so that newspapers can only be prosecuted for criminal offenses but cannot be deregistered. The state owns *Te Uekera*, the other of Kiribati's two newspapers, and a radio station. Churches publish several newsletters and other periodicals. Internet access is limited outside the capital due to cost and the lack of infrastructure. In December 2008, the government announced that it will issue a license to Digicel to deploy and operate a national mobile network.

There have been no reports of religious oppression or restrictions on academic freedom. The expansion of access to and quality of education at all levels, however, is seriously restricted by a lack of resources. Secondary education is not available on all islands, and there is a shortage of qualified teachers.

Freedoms of assembly and association and the right to organize unions and bargain collectively are generally respected. A number of nongovernmental groups are involved in development assistance, education, health, and advocacy for women and children. Only about 10 percent of the workforce belongs to unions, the largest of which is the Kiribati Trade Union Congress, with about 2,500 members. The law provides for the right to strike, though the most recent strike was in 1980.

The judicial system is modeled on English common law and provides adequate due process rights. It consists of the high court, a court of appeal, and magistrates' courts; final appeals can go to the Privy Council in London. The president makes all judicial appointments. A 260-person police force performs law enforcement and paramilitary functions. Kiribati has no military; defense assistance is provided by Australia and New Zealand under bilateral agreements. Traditional customs permit corporal punishment, and island councils on some outer islands occasionally order such penalties for petty theft and other minor offenses.

Citizens enjoy freedom of movement, though village councils have used exile as a punishment.

Economic opportunities for women are limited. Discrimination against women is common in the traditional, male-dominated culture. Spousal abuse and other forms of violence against women and children are often associated with alcohol abuse. Prostitution and sexual harassment are illegal; neither is reported to be widespread. The number of reported HIV/AIDS cases grew from 46 at the end of 2004 to 61 at the end of 2006.

## Kuwait

Population: 2,700,000

Capital: Kuwait City

Political Rights: 4

Civil Liberties: 4

Status: Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,5PF	4,5PF	4,5PF	4,5PF	4,5PF	4,5PF	4,5PF	4,4PF	4,4PF	4,4PF

### Overview:

Kuwait's emir dissolved the National Assembly amid rising political tensions in March 2008. The following month, the government passed and then quickly revoked a new law banning public assemblies and demonstrations. Islamist and tribal groups captured 45 out of 50 seats in the May parliamentary elections, and no women were elected. In October, Kuwait's two female cabinet ministers came under fire from Islamist lawmakers for not wearing the *hijab* (headscarf). In November, the prime minister submitted his and the cabinet's resignation as a result of parliamentary pressure.

For more than 200 years, the al-Sabah dynasty has played a role in ruling Kuwait. A year after the country gained its independence from Britain in 1961, a new constitution gave broad powers to the emir and created the National Assembly. Iraqi forces invaded in August 1990, but a military coalition mandated by the United Nations and led by the United States liberated the country in February 1991.

Emirs have suspended the National Assembly two times, from 1976 to 1981 and from 1986 to 1992. After its restoration in 1992, the parliament played an active role in monitoring the emir and the government, often forcing cabinet ministers out of office and blocking legislation proposed by the ruling family. However, the legislature has also served as an impediment to progressive political change by rejecting measures on women's rights and economic reform.

After 28 years of rule, Sheikh Jaber al-Ahmad al-Sabah died in 2006. Despite fears of a contentious succession process, the cabinet and parliament removed his heir for health reasons and elevated Sheikh Sabah al-Ahmad al-Sabah, the half-brother of the previous emir, as the new emir.

Parliamentary elections held in 2006 were the first to include women, who had won the right to vote and run for office the year before. However, none of the 27 female candidates secured seats. A coalition of liberals, Islamists, and nationalists campaigning against corruption won 35 of the 50 seats. In 2007, continued pressure from the legislature to end government corruption forced two prominent cabinet ministers to resign.

In March 2008, the emir dissolved the parliament as a result of escalating political tensions between lawmakers and the cabinet; members of parliament continued

to press for the power to question cabinet members on corruption and the performance of public services. In the elections that followed in May, Sunni Islamists won 21 seats; representatives of Kuwait's main tribes, including liberal members, won 24 seats; and Shiites won 5 seats. While 27 women again ran as candidates, none were elected. More than 360,000 voters, or about 70 percent of the eligible electorate, turned out for the balloting. The new cabinet appointed by the emir included two women and two Shiites.

In November 2008, members of the salafi bloc in parliament demanded the right to question the prime minister, Nasser al-Sabah, a nephew of the emir, on charges of corruption and outrage over the government's decision to allow Muhammad al-Fali, an Iranian Shiite cleric, to enter the country. Al-Fali was arrested upon entry based on claims that he insulted Sunni tradition. Although he was subsequently released, the official charges remained in place through the end of the year. As a result of parliamentary anger, the prime minister submitted his and the cabinet's resignation in November. While the emir accepted the cabinet's resignation in December, he reappointed his nephew to the post of prime minister and called on him to form a new cabinet, signaling that government-parliament tensions would carry over into 2009.

Kuwait, which holds about 10 percent of the world's proven oil reserves, enjoyed high rates of economic growth for much of 2008. The collapse of oil prices late in the year, however, raised alarms about future economic stability and prosperity. Oil dominates the economy, accounting for nearly 90 percent of public revenues.

### **Political Rights and Civil Liberties:**

Kuwait is not an electoral democracy. The ruling family largely sets the policy agenda and dominates political life.

The emir has overriding power in the government system and appoints the prime minister and cabinet. Under the constitution, the emir shares legislative power with the 50-member National Assembly, which is elected to four-year terms by popular vote. The electorate consists of men and women over 21 years of age who have been citizens for at least 20 years; members of most security forces are barred from voting. The 2008 parliamentary elections were the first held under a 2006 law that reduced the number of multimember electoral districts from 25 to 5. The old system had been criticized for allowing corruption and manipulation, spurring a May 2006 protest movement in favor of the reform. The emir has the authority to dissolve the National Assembly at will but must call elections within 60 days. The parliament can overturn decrees issued by the emir while it was not in session. It can veto the appointment of the country's prime minister, but then it must choose from three alternates put forward by the emir. The parliament also has the power to remove government ministers with a majority vote.

Formal political parties are banned, but political groupings, such as parliamentary blocs, have been allowed to emerge. In 2005, a group of Islamists announced the formation of the Umma Party, prompting the government to interrogate its leaders and impose a travel ban on 15 of its top members. A week after the emir dissolved the parliament in March 2008, police arrested eight members of the prominent Mateer tribe for organizing primary-style elections to determine their representatives for the national elections in May. The arrests prompted public protests and violent clashes between police and the demonstrators. Thousands of tribe members protested again in May.



Corruption has been a dominant political issue in recent years, with lawmakers placing considerable pressure on the government to tackle the problem. Kuwait was ranked 65 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While a 2006 press law requires officials to obtain a court order to close newspapers, the authorities continue to limit criticism and debate on politics in the press. In March 2008, the government revoked the licenses and fined the editors of the weekly newspapers *Al-Abraj* and *Al-Shaab* for criticizing the prime minister and commenting on politics. Kuwait has more than 10 daily and weekly Arabic newspapers and 2 English-language dailies. The state maintains a significant presence in the broadcast media, with four television stations and nine radio stations. There are also a number of private outlets, including the satellite television station Al-Rai. Foreign media outlets work relatively freely in Kuwait. Kuwaitis have access to the internet, though the government has instructed internet service providers to block certain sites for political or moral reasons. In August 2008, the public prosecutor confirmed that his office was finalizing a bill that would "criminalize the promotion of immoral conduct, encouraging antigovernment sentiments, divulging state secrets, or insulting Islam online"; the bill had not passed as of year's end.

Islam is the state religion, but religious minorities are generally permitted to practice their faiths in private, and Christian churches operate freely. Shiite Muslims, who make up around a third of the population, enjoy full political rights but are subject to some discrimination and harassment. In February 2008, the security services summoned 1,500 people, mostly Shiites, who had participated in a public mourning event for Imad Mugniya, a slain leader of the Lebanese Shiite militant group Hezbollah. Two Shiite members of parliament faced criticism for joining in the ceremony.

Academic freedom is generally respected. Kuwait has a tradition of allowing relatively open and free private discussion, often conducted in traditional gatherings (*diwaniyat*) that usually include only men.

The government imposes constraints on freedoms of assembly and association, although those rights are provided by law. In 2006, a court ruling removed 27-year-old restrictions on freedom of assembly; Kuwaitis must notify authorities of a public meeting or protest, but they no longer need a permit. In April 2008, the government issued a decree outlawing public assemblies and demonstrations, including some *diwaniyat*, but the measure was quickly rescinded under popular pressure.

The government routinely restricts the registration and licensing of associations and nongovernmental organizations (NGOs), forcing dozens of groups to operate without legal standing or state assistance. The Kuwait Human Rights Society was not officially recognized until 2004, a decade after it was founded. Representatives of licensed NGOs must obtain government permission to attend foreign conferences on behalf of their organizations. Workers have the right to join labor unions, but the country's labor law mandates that there be only one union per occupational trade.

Kuwait lacks an independent judiciary. The emir appoints all judges, and the executive branch approves judicial promotions. Authorities may detain suspects for four days without charge. The Ministry of the Interior supervises the main internal security forces, including the national police, the Criminal Investigation Division, and Kuwait State Security. The government permits visits to prisons by hu-

man rights activists, who report adherence to international standards, though with some concern about overcrowding.

Stateless residents, known as *bidoon*, are estimated to number between 90,000 and 130,000. They are considered illegal residents, do not have full citizenship rights, and often live in wretched conditions. Kuwait is a destination country for human trafficking, with many people coming from Bangladesh, India, Pakistan, the Philippines, and Sri Lanka. In July 2008, over 5,000 Bangladeshi workers in government ministries went on strike over poor wages. Many complained that they had not been paid in over six months. Both male and female citizens have the right to own property and establish businesses.

The 1962 constitution provides men and women with equal rights. Nevertheless, women face discrimination in several areas of law and society and remain underrepresented in the workforce. While women are offered some protection from abuse and discrimination under Kuwaiti law, they are only permitted to seek a divorce in cases where they have been deserted or subject to domestic violence, are required to have a male guardian in order to marry, and are eligible for only one half of their brother's inheritance. Domestic abuse and sexual harassment are not specifically prohibited by law, and foreign domestic servants remain particularly vulnerable to abuse and sexual assault. Kuwait is a destination country for the trafficking of women. In January 2008, the minister of education, Nuriya al-Sabeeh, survived a no-confidence vote in the National Assembly after Islamist lawmakers accused her of mismanagement and of failing to uphold Islamic values. In October, Islamist deputies leveled new charges against al-Sabeeh and Mudhi al-Humud, the state minister for housing and administrative development, arguing that they violated Islamic regulations by choosing not to wear the *hijab* (headscarf); the prime minister resisted parliamentary pressure to dismiss them from their posts. Separately, liberal lawmakers in February submitted a draft bill to end gender segregation in Kuwait's education system; no formal changes had been enacted by year's end. The country's public schools have been segregated since 2001. Private schools have yet to implement a 2000 law requiring segregation. Women comprise more than 60 percent of the student body at several leading universities in Kuwait. Kuwaiti women have the right to vote and run as candidates in parliamentary and local elections. They made up 55 percent of the voters who turned out for the 2008 parliamentary elections.

## Kyrgyzstan

**Population:** 5,200,000

**Capital:** Bishkek

**Political Rights:** 5

**Civil Liberties:** 4

**Status:** Partly Free



**Trend Arrow:** Kyrgyzstan received a downward trend arrow due to new legislative constraints on the media and freedom of assembly, as well as moves by the authorities to enfeeble the political opposition and silence civil society.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	5,4PF	5,4PF	5,4PF	5,4PF

### Overview:

President Kurmanbek Bakiyev consolidated his power in 2008 after flawed parliamentary elections in December 2007 left the pro-presidential Ak Zhol party firmly in control of the legislature. The political opposition and civil society groups were increasingly sidelined or co-opted by the government, which also pursued an opaque electricity-sector privatization. Meanwhile, new laws in 2008 further curtailed freedoms of the press, religion, and assembly.

Kyrgyzstan declared independence from the Soviet Union in August 1991. Askar Akayev, a respected physicist, won the first direct presidential election two months later on a reform platform. He easily won another term in an early election in 1995, and constitutional amendments approved the following year substantially increased the powers of the presidency. International observers noted serious irregularities in the 2000 parliamentary and presidential elections. Opposition parties were disqualified on technicalities, as was Akayev's main presidential challenger, Feliks Kulov, who was jailed in 2000 on dubious charges.

Long-standing frustrations in the economically depressed and politically marginalized south culminated in public protests in 2002. The demonstrations were sparked by the January arrest of parliament member Azimbek Beknazarov on abuse-of-power charges that critics alleged were politically motivated. Six protesters were killed in March when police fired into a crowd in the village of Aksy. Beknazarov received a one-year suspended prison sentence, but an appeals court annulled the sentence in June, allowing him to reclaim his seat in the parliament. Four former regional prosecutors and police officials were sentenced to prison in December in connection with the shootings, and a 2007 investigation resulted in new convictions. However, opposition critics continued to charge in 2008 that senior officials who authorized the use of force were never brought to justice. Opposition leaders held a public "mock trial" attended by over 500 people in March 2008, the sixth an-

niversary of the Aksy events, finding former president Akayev and then prime minister Bakiyev broadly responsible for the shootings; no official action resulted.

In the February 2005 parliamentary elections, fewer than half of the 75 constituency contests resulted in outright majority victories, so the remaining races had to be decided in a second round of voting two weeks later. According to an assessment by the Organization for Security and Cooperation in Europe (OSCE), the first-round poll, "while more competitive than previous elections, fell short of OSCE commitments and other international standards in a number of important areas." During the following weeks, thousands of demonstrators took to the streets across the country to protest election irregularities and ultimately call for Akayev's resignation. On March 24, Akayev's 14-year rule ended when protesters and opposition supporters stormed the presidential headquarters in Bishkek. Akayev fled abroad and later agreed to formally resign. Protesters freed Kulov, whose conviction was later overturned.

In the July 2005 presidential poll, former prime minister and opposition leader Kurmanbek Bakiyev captured 89 percent of the vote. His victory was regarded as nearly inevitable after he and Kulov, his most serious potential rival, formed a political alliance in May: Kulov withdrew his presidential candidacy in exchange for the post of prime minister. In contrast to the parliamentary vote, OSCE observers concluded that the presidential election "marked tangible progress ... towards meeting OSCE commitments."

The Bakiyev-Kulov "tandem" held until early 2007, when Kulov joined the opposition and became leader of the newly created United Front for a Worthy Future for Kyrgyzstan. Together with the For Reforms opposition movement, the United Front organized demonstrations in Bishkek in April calling for constitutional reform and Bakiyev's resignation. The violent dispersal of those protests after demonstrators allegedly attacked police dealt the opposition a significant blow.

An October 2007 referendum approved a new constitution that expanded the parliament from 75 to 90 seats and introduced party-slate balloting. The hastily called referendum drew criticism from civil society groups, which pointed to the use of administrative resources to ensure a favorable outcome.

Bakiyev dissolved the parliament the day after the referendum, and a progovernment party called Ak Zhol was quickly formed to contest elections in December. The disputed balloting, dubbed a "missed opportunity" by OSCE observers and held under new legislation, produced a parliament dominated by Ak Zhol and devoid of opposition representation. Amendments pushed through the new legislature later that month widened the executive's authority, and a government formed in the final days of 2007 was stacked with Bakiyev loyalists.

Bakiyev consolidated his power in 2008, sidelining the country's remaining well-known opposition figures. Discussions on the impending privatization of the electricity sector took place amid political torpor, rumors of competing clans, and what one expert described as an effort to win over business elites by redistributing assets. Kulov's departure from politics in May, when President Bakiyev appointed him head of an energy development project, reflected the broader disappearance of a viable political opposition.

As in past years, Kyrgyzstan balanced strategic and economic relations with Russia and the United States in 2008. Bishkek hosted a Commonwealth of Indepen-

dent States (CIS) summit in October, but Kyrgyzstan, like its Central Asian neighbors, took a cautious stance on the Russian invasion of Georgia in August. The discovery of a weapons cache at a house rented by U.S. citizens that month briefly strained relations with the United States, but military cooperation continued between the two countries, with the United States using its airbase at Manas Airport through the end of the year.

**Political Rights and Civil Liberties:** Kyrgyzstan is not an electoral democracy. The 2005 presidential election, which followed the popular uprising that toppled the government of President Askar Akayev, was praised for making substantial progress over previous elections. However, international observers said that the December 2007 parliamentary elections "fell short of public expectations for further consolidation of the electoral process."

Constitutional changes adopted in the hastily organized October 2007 referendum expanded the unicameral parliament from 75 to 90 deputies, to be elected on party slates instead of individual mandates. The new charter emerged from a confusing process involving multiple texts, and critics charged that it contained numerous inconsistencies and legal discrepancies. Informed sources in Bishkek reported that the text submitted to referendum was composed with Russian input and influence to facilitate the establishment of a "superpresidential" system. Both president and parliament serve five-year terms, and the majority party in the parliament nominates the prime minister.

The newly formed, propresidential Ak Zhol party holds 71 seats in the 90-member legislature, and the only other parties represented—the Social Democratic Party, with 11 seats, and the Kyrgyzstan Communist Party, with 8—generally cooperate with the government and do not merit the term "opposition." The formation of a "shadow parliament" in March 2008 had no discernable impact on official policies. The fragmented opposition made efforts to unite in April and December, but the failed attempts only underscored the weakness of alternative forces.

In September 2008, Central Election Commission head Klara Kabilova fled the country and made a videotaped statement claiming that she had been pressured by Maksim Bakiyev, the son of President Kurmanbek Bakiyev, to ensure the victory of propresidential forces in the October local elections. The voting took place with only local monitoring amid widespread reports of fraud.

Corruption is pervasive in Kyrgyz society, and bribes are frequently required to obtain lucrative government positions. The nepotistic practices of President Bakiyev, whose sons and brothers are prominent in business and government, were increasingly evident in 2008. Kyrgyzstan was ranked 166 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although the media became more open and tolerant of diverse points of view following the March 2005 popular uprising and the subsequent change in leadership, government pressure has increased in subsequent years. During antigovernment protests in April 2007, officials from the prosecutor's office confiscated the print runs of opposition newspapers. Osh-based journalist Alisher Saipov, who ran an Uzbek-language newspaper that was critical of Uzbekistan's government, was killed in October 2007; the Kyrgyz government has failed to investigate the murder vigorously.

The independent newspaper *De Facto* was raided in June 2008 after printing an article that was critical of the president's nephew, and the editor faced five years in prison on libel charges leveled a month later. The editor, Cholpon Orozobekova, emigrated to Europe later in the year after receiving threats. In June, President Bakiyev signed amendments to the media law that give the president the power to appoint the director of state-run television and radio, effectively ending efforts to establish a national public broadcaster. State-controlled broadcast authorities took U.S.-funded Radio Free Europe/Radio Liberty broadcasts off the air in October, demanding that programs be submitted for prior approval before broadcasts could resume. RFE/RL refused and remained barred from television and FM radio through the end of the year.

The government has generally respected freedom of religion in this predominantly Muslim country, but all religious organizations must register with the Ministry of Justice, a process that is often cumbersome. In November 2008, parliament passed a new religion law banning proselytizing, the distribution of religious literature in public places, and private religious education, and mandating at least 200 signatures to register a religious organization; President Bakiyev had not signed the law by year's end. The government monitors and restricts Islamist groups that it regards as extremist and a threat to national security, particularly Hizb ut-Tahrir, an ostensibly nonviolent international movement calling for the creation of an Islamic caliphate.

Corruption is widespread in the educational system, and bribes are often required to obtain admission to schools or universities. Teachers reportedly have been forced to subscribe to government newspapers, and municipal authorities in some cities require schoolchildren to perform during national holidays and visits by government officials. Looming problems with power and heat in 2008 led the Education Ministry to extend winter break to March 1.

The government tightened restrictions on freedom of assembly in 2007, as prosecutors secured convictions against a number of participants in April demonstrations (which were subsequently overturned), and Bishkek's mayor banned all demonstrations in the city in October following protests over rising bread prices. In February 2008, the Interior Ministry banned large public prayers during religious holidays, and in April, opposition protesters objecting to the terms of a border delineation agreement with Kazakhstan were beaten by police. In August, President Bakiyev signed amendments to the law on freedom of assembly requiring organizers to give the authorities 12 days' advance notice of all gatherings and allowing officials to block protests on ill-defined grounds.

Freedom of association is typically upheld, and nongovernmental organizations (NGOs) participate actively in social and political life. However, since 2007, they have made plausible claims that the authorities are attempting to exclude them in a broad push against alternative political and civic voices. In December, a court in the southern city of Osh sentenced NGO activist Ravshan Garipov to one year in jail for making "unconstitutional calls against Kyrgyzstan's secular system" over the internet. Kyrgyz NGOs noted in a November statement that nine journalists and human rights activists have sought or received political asylum in the West in the past two years.

The law provides for the formation of trade unions, and unions generally are able to operate without obstruction. The right to strike is neither prohibited nor

specifically codified in law. The Federation of Trade Unions is the only union umbrella organization in the country, but unions are not required to join it.

Despite the enactment of various reform measures, the judiciary is not independent and remains dominated by the executive branch. Corruption among judges, who are underpaid, is widespread. Defendants' rights, including the presumption of innocence, are not always respected, and there are credible reports of violence against suspects during arrest and interrogation.

Ethnic minority groups, including Uzbeks, Russians, and Uighurs, have complained of discrimination in employment and housing. Members of the country's sizable Uzbek minority, concentrated in the south, have long demanded more political and cultural rights, including greater representation in government, more Uzbek-language schools, and official status for the Uzbek language.

The government, which abolished the Soviet-era exit-visa system in 1999, generally respects the right of unrestricted travel to and from the country. There are barriers to internal migration, however, including a requirement that citizens obtain permits to work and settle in particular areas of the country.

Personal connections, corruption, organized crime, and widespread poverty limit business competition and equality of opportunity. Conscripted soldiers have reportedly been rented out to civilian employers under illegal arrangements, with some forced to work for no pay.

Cultural traditions and apathy among law enforcement officials discourage victims of domestic violence and rape from contacting the authorities. The trafficking of women and girls into forced prostitution abroad is a serious problem, and some victims report that the authorities are involved in trafficking. The practice of bride abduction persists despite being illegal, and few perpetrators are prosecuted. Women are well represented in the workforce, the parliament (where they hold nearly a third of all seats), and institutions of higher learning, but poor economic conditions have had a negative effect on women's professional and educational opportunities.

## Laos

**Population:** 5,900,000

**Capital:** Vientiane

**Political Rights:** 7

**Civil Liberties:** 6

**Status:** Not Free

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF

### Overview:

Construction of a hydroelectric power plant, gold and copper mining, tourism, and Chinese investments helped to

**spur strong economic growth in 2008. However, public anxiety and resentment toward the Chinese also increased, and the government was perceived as favoring Chinese investors in granting access to land and business licenses.**

Laos, a landlocked and mountainous country, won independence in 1953 after six decades of French rule and Japanese occupation during World War II. The new constitutional monarchy soon entered into a civil war with Communist Pathet Lao (Land of Lao) guerrillas, who were backed by the Vietnamese Communist Party. As the civil conflict raged on, Laos was drawn into the Vietnam War in 1964, when the United States began bombing North Vietnamese forces operating inside Laos. The Pathet Lao seized power in 1975 and set up a one-party state under Prime Minister Kaysone Phomvihane's Lao People's Revolutionary Party (LPRP).

By the 1980s, the Laotian economy was in tatters after years of civil war and the inept economic policies of the LPRP. Noting the success of China's economic opening, the party began to relax controls on prices, encouraged foreign investment, and privatized farms and some state-owned enterprises. These actions spurred much-needed economic growth, but the government rejected deeper economic reform for fear of losing power.

General Khamtay Siphandone took over leadership of the LPRP in 1992 and the presidency in 1998. He stepped down in March 2006, leaving the party in the hands of Choummaly Sayasone, a 70-year-old former vice president and defense minister. In April 2006 elections, LPRP candidates won 113 of the 115 National Assembly seats, while the remaining 2 went to independent candidates. The Assembly endorsed Choummaly as the new president in June of that year. He was expected to follow the policies set by Khamtay.

Also in 2006, officials pressed ahead with construction of the Nam Theun 2 hydroelectric dam. Sales of hydroelectric power to neighboring Thailand were a key source of foreign revenue for the government, and in 2005, the country had formally begun work on Nam Theun 2, an expansion of the existing Nam Theun hydroelectric dam. Thailand committed to buying 95 percent of the 1,070 megawatts the new dam was expected to generate beginning in 2010. Cambodia and Malaysia would also be buyers. Critics argued that the project would threaten wildlife and displace thousands of subsistence farmers and hill-tribe communities.

In 2007 and 2008, the dam project, gold and copper mining, tourism, and Chinese investment spurred strong economic growth in a country that still depended heavily on subsistence agriculture and an outflow of migrant labor to neighboring Thailand. However, the rapid arrival of Chinese businesses and workers began to stir public resentment and concerns over access to land and economic opportunities. In June 2008, the government approved plans to allow Chinese developers to build shops, hotels, factories, and housing in Vientiane's That Luang marsh area. More than 50,000 Chinese migrants were expected to settle in the area, adding to the 30,000 who had already come to Laos in recent years. In July, in Luang Nam Tha province, the government ordered two nongovernmental groups to leave, and the owner of a resort was abducted by men believed to be police officers, after they mobilized local villagers to protest the construction of a Chinese-backed rubber plantation in the area.



**Political Rights  
and Civil Liberties:**

Laos is not an electoral democracy. The 1991 constitution makes the LPRP the sole legal political party and grants it a leading role at all levels of government. The LPRP vets all candidates for election to the rubber-stamp National Assembly, whose 115 members elect the president. Elections are held every five years. General Khamtay Siphandone succeeded Kaysone Phomvihane as head of the LPRP in 1992 and assumed the presidency from Nouhak Phoumsavanh in 1998. The National Assembly reelected Khamtay as president in March 2001. Choummaly Sayasone took over as head of LPRP in March 2006 and assumed the presidency in June of that year.

Corruption and abuses by government officials are widespread. Official announcements and new laws aimed at curbing corruption are rarely enforced. Government regulation of virtually every facet of life provides corrupt officials with many opportunities to demand bribes. High-level personnel in government and the military are also frequently involved in commercial logging, mining, and other enterprises aimed at exploiting Laotian natural resources. The country was ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is severely restricted. Any journalist who criticizes the government or discusses controversial political topics faces legal punishment. The state owns all media, including three newspapers with extremely low circulations, Lao National Television, Laos Television 3 (a joint venture with a Thai company), and the country's only radio station. Residents within frequency range of Radio Free Asia and other foreign broadcasts from Thailand can access these alternative media sources. Internet access is heavily restricted, and content is censored. Mobile telephone use is spreading rapidly: there were an estimated 638,000 users in 2006, up from just 29,500 in 2001.

Religious freedom is tightly restricted. Dozens of Christians have been detained on religious grounds, and several have been jailed for proselytizing or conducting other religious activities. The government forces Christians to renounce their faith, confiscates their property, and bars them from celebrating Christian holidays. The majority Buddhist population is restricted through LPRP control of clergy training and oversight of temples and other religious sites.

Academic freedom is not respected. University professors cannot teach or write about democracy, human rights, and other politically sensitive topics. A small number of young people have been allowed to travel overseas, including to the United States, for university and graduate-level training. However, they are carefully screened by the government and are generally children of senior officials and military leaders.

Government surveillance of the population has been scaled back in recent years, but searches without warrants still occur.

The government severely restricts freedom of assembly. Laws prohibit participation in organizations that engage in demonstrations or public protests, or that in any other way cause "turmoil or social instability." Those found guilty of violating these laws can receive sentences of up to five years in prison. Laos has some nongovernmental welfare and professional groups, but they are prohibited from pursuing political agendas and are subject to strict state control. All unions must belong to the official Federation of Lao Trade Unions. Strikes are not expressly pro-

hibited, but workers rarely stage walkouts, and they do not have the right to bargain collectively.

The courts are corrupt and controlled by the LPRP. Long delays in court hearings are common, particularly for cases dealing with public grievances and complaints against government abuses. Security forces often illegally detain suspects, and some Laotians have allegedly spent more than a decade in jail without trial. Hundreds of political activists have also been held for months or years without trial. Prisoners are often tortured and must bribe prison officials to obtain better food, medicine, visits from family, and more humane treatment.

Discrimination against members of minority tribes is common at many levels. In 2005, four members of the Fact Finding Commission, a U.S.-based nonprofit organization, were detained and three were deported for "illegally liaising" with members of the Hmong ethnic minority, which allied with U.S. forces during the Vietnam War. Thousands of Hmong refugees in Thailand were forced by the Thai government to return to Laos in 2005, despite international warnings that they could face political persecution. Laotian government actions to destroy the remnant Hmong guerrilla army and alleged rebel elements have created significant hardships for these mountain people, and thousands have been forced off their land to make way for the exploitation of timber and other natural resources. In December 2006, a group of more than 400 Hmong, mostly children, surrendered to government forces. It was the latest of several bands to do so, according to the Fact Finding Commission.

Members of hill tribes and subsistence farmers who rely on the illegal growth and sale of opium poppies for their economic livelihood have suffered from the government's antidrug campaign, which has been conducted with rigor to secure aid from Europe and the United States. Pushed into extreme poverty, some are forced to leave their land to find legitimate work elsewhere or go deeper into the mountains to continue their illegal trade.

All land is owned by the state. Lao citizens have rights to use land, but there is no robust system in place to protect their rights as users or to bargain for redress when government authorities take over land. The influx of foreign investment in mining and large-scale agribusiness in recent years has fueled land grabs by the state and contributes to poverty, dispossession, and conflicts for many subsistence farming and tribal communities.

Although women are guaranteed many of the same rights as men under Laotian laws, gender-based discrimination and abuse are widespread. Tradition and religious practices have contributed to women's inferior position with respect to access to education, equal employment opportunities, and worker benefits. Poverty exacerbates these hardships and puts many women at greater risk of exploitation and abuse by the state and society at large. Domestic violence is a major cause of divorce, and abortion is allowed only to save the life of the mother. An estimated 15,000 to 20,000 Laotian women and girls, including many lowland Laotians and an increasing number of highland ethnic minorities, are trafficked each year for prostitution. The United Nations has reported that Laos is a source, transit, and destination country for human-smuggling rings.

## Latvia

**Population:** 2,300,000

**Capital:** Riga

**Political Rights:** 2

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	2,1F	2,1F

### Overview:

Although moves to suspend the director of the country's anticorruption agency had led to widespread protests and the collapse of the government in 2007, he was dismissed in June 2008 due to revelations of theft by two of his subordinates. In August, low voter turnout thwarted referendums on proposals to increase pensions and allow the dismissal of Parliament by popular vote. However, the large percentage of participating voters who supported the proposals illustrated the public's growing dissatisfaction with existing government policies.

After centuries of foreign domination, Latvia gained its independence in 1918, only to be annexed by the Soviet Union during World War II. The long Soviet occupation featured a massive influx of Russians and the deportation, execution, and emigration of tens of thousands of ethnic Latvians. In 1991, Latvia regained its independence as the Soviet Union disintegrated, and a multiparty system took root during the 1990s.

Following parliamentary elections in 2002, former central bank chairman Einars Repse was chosen to lead a coalition government of his center-right New Era Party, Latvia's First Party (LPP), the Union of Greens and Farmers (ZZS), and For Fatherland and Freedom/Latvian National Independence Movement (TB/LNNK). Running unopposed, President Vaira Vike-Freiberga was reelected for a second four-year term in 2003.

Repse's government collapsed in February 2004 after he dismissed LPP leader Ainars Slesers as deputy prime minister and the LPP withdrew its support. Slesers had backed the establishment of a parliamentary committee to probe Repse's allegedly corrupt real-estate purchases. A subsequent ZZS-led government survived for just seven months and was replaced in December by a coalition of the New Era Party, the People's Party, LPP, and ZZS. Aigars Kalvitis of the People's Party was named prime minister. However, New Era withdrew in April 2006 after an economic crimes probe was launched against one of its leaders, Economy Minister Krisjanis Karins; the unit investigating Karins was controlled by LPP.

In the October 2006 parliamentary polls, the People's Party led with 23 seats, followed by the ZZS and New Era with 18 each, the Harmony Center with 17, LPP/

Latvia's Way with 10, TB/LNNK with 8, and For Human Rights in a United Latvia with 6. The People's Party, LPP/Latvia's Way, ZZS, and TB/LNNK agreed to form a new government, with Kalvitis remaining prime minister. Valdis Zatlers, an orthopedic surgeon, was elected president by Parliament in May 2007 to replace Vike-Freiberga, who was unable to run again due to term limits.

Kalvitis sparked a political crisis in September by suspending the director of the Bureau for the Prevention and Combating of Corruption (KNAB), Aleksejs Loskutovs, over alleged irregularities in the KNAB's accounting. Opponents of the decision characterized it as a politically motivated attack on an agency that had become increasingly active in pursuing corruption cases, including against members of the ruling coalition. Critics also argued that the prosecutor-general, not the prime minister, had the power to suspend the head of the KNAB, and only if he is arrested or charged with a crime, which Loskutovs was not; only Parliament had the authority to dismiss him outright.

Parliament's planned vote on the issue in October was postponed after several thousand people gathered outside the building to show support for Loskutovs and demand Kalvitis's resignation, prompting several ministers to quit the cabinet. In a second major rally in November, protesters denounced corruption and called for new elections. Kalvitis announced that his government would resign on December 5 and reinstated Loskutovs. On December 20, Parliament approved a new government, which—despite the public's call for political change—included the same four parties as its predecessor. Former prime minister Ivars Godmanis (1990-93) of LPP/Latvia's Way was selected to replace Kalvitis.

In June 2008, Loskutovs was finally dismissed by Parliament following revelations that two KNAB employees had stolen nearly \$300,000 in funds seized by the bureau over several years. A special government commission had faulted Loskutovs's oversight and recommended his dismissal. In contrast to the previous year, only a few hundred people protested his removal. Due to disagreements over the procedure for selecting a new director, Loskutovs's replacement had not been chosen by year's end.

Low voter turnout scuttled two referendums in August; the proposals in question would have significantly increased pensions and amended the constitution to allow the public to dissolve Parliament by popular vote. More than 90 percent of participating voters supported each proposal, indicating ongoing popular frustration with the government.

On the international front, Russia's August invasion of Georgia increased concerns in Latvia that Moscow would try to extend its influence over other post-Soviet states. President Zatlers, along with the leaders of Estonia, Lithuania, and Poland, issued a declaration condemning Russia's actions in the conflict.

### **Political Rights and Civil Liberties:**

Latvia is an electoral democracy. The constitution provides for a unicameral, 100-seat Parliament (Saeima), whose members are elected for four-year terms. Parliament elects the president, who serves up to two four-year terms. The prime minister is nominated by the president and must be approved by Parliament. The October 2006 legislative elections were free and fair. Resident noncitizens may not vote in either national or local elections.

The country's major parties include the People's Party, ZZS, New Era, LPP/Latvia's Way, TB/LNNK, and For Human Rights in a United Latvia. In 2008, the Society for a Different Politics was founded by two former members of the People's Party, and the Democratic Patriot Association was established by former members of New Era and TB/LNNK; both parties sought to capitalize on growing popular discontent with the government and ruling parties. Noncitizen residents may join political parties, although at least half the members of a party must be citizens.

The government has adopted various anticorruption measures, but Latvia continued to suffer high-profile corruption scandals during 2008. The powerful mayor of Ventspils, Aivars Lembergs, was arrested in 2007 on charges including bribery, money laundering, and tax evasion; his trial was scheduled to begin in early 2009. In March 2008, the entire Kekava city council was dismissed over allegations of widespread corruption, including the issuing of illegal building permits. An ongoing KNAB investigation into corruption on the Riga city council, which the bureau says is systemic, continued during the year. Latvia was ranked 52 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government generally respects freedom of speech and of the press. Private television and radio stations broadcast programs in both Latvian and Russian, and newspapers publish a wide range of political viewpoints, although complete information on media ownership is not easily obtainable. The government does not restrict access to the internet. In May 2008, local media reported that the country's National Security Committee had met with the director of Latvian State Television (LTV) to complain of bias against the government; some journalists characterized the meeting as a government attempt to pressure LTV. In November, police briefly detained a university lecturer and a musician for questioning the stability of the country's banks, citing a law that criminalizes spreading false information about the financial system; the move prompted concerns about freedom of speech.

Freedom of religion is generally respected. However, so-called traditional religious groups enjoy certain rights, such as teaching religion to public school students who request such classes, which are unavailable to newer groups. There are no government restrictions on academic freedom.

Freedoms of assembly and association are protected by law and in practice. In April 2007, the government complied with a 2006 Constitutional Court ruling by removing a legal requirement that organizers seek permission to hold demonstrations. The year's numerous, unrestricted gatherings included a relatively peaceful gay-pride parade in Riga in June. The government does not restrict the activities of nongovernmental organizations. Workers enjoy the right to establish trade unions, strike, and engage in collective bargaining. About 15 percent of the workforce is unionized.

While judicial independence is generally respected, corruption continues to be a problem. In January 2008, two district court judges were sentenced to eight years in prison for accepting bribes. A special parliamentary commission investigating alleged corruption among prominent judges and politicians in the 1990s issued an inconclusive report in September 2008; although three judges resigned over the allegations, none were charged with a crime as of year's end. Legal prohibitions against arbitrary arrest and the right to a fair trial are largely observed in practice. However, lengthy pretrial detention remains a concern. Law enforcement officials have report-

edly used excessive force against detainees, and prison inmates suffer from overcrowding and inadequate medical care.

Nearly one-fifth of Latvia's residents are noncitizens. Those who immigrated during the Soviet period, the majority of whom are ethnic Russians, must apply for citizenship through a process that includes a Latvian language test. In July 2008, the country's language law was amended to increase the number of professions in which employees must possess a minimum level of Latvian proficiency; among those affected will be electricians, accountants, and postal workers. Some members of the Russian-speaking community continue to allege discrimination, including in employment and political life. An ombudsman responsible for protecting the rights of individuals in relation to the government was appointed by Parliament in 2007. There are legal provisions for granting asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol.

Women enjoy the same legal rights as men, but they often face employment discrimination. There are 21 women in the 100-member Parliament and 4 women in the 19-member cabinet. Domestic violence and sexual harassment of women in the workplace are reportedly common. Latvia is a source, transit point, and destination for women trafficked for the purpose of prostitution. The government funds assistance services for trafficking victims and provides educational services on trafficking issues for schoolchildren and law enforcement officials.

## Lebanon

**Population:** 4,000,000

**Capital:** Beirut

**Political Rights:** 5

**Civil Liberties:** 4

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	5,4PF	5,4PF	5,4PF	5,4PF

### Overview:

Lebanon began 2008 without a president or functioning government institutions. Hezbollah's armed takeover of parts of the country in May led to negotiations hosted by Qatar, which ultimately brought an end to an 18-month political crisis. Following the talks, a president was elected, a national unity government was formed, and the parliament passed electoral reform in preparation for the 2009 elections. Despite the reconciliation in Beirut, armed sectarian clashes persisted in northern Lebanon, where the army was also targeted in several bombings.

Following centuries of relative autonomy under Ottoman rule, Mount Lebanon and its surrounding areas were established as a League of Nations Mandate under French control in 1920. After winning its independence in 1943, the new state maintained a precarious democratic system based on the division of parliamentary and government posts among the country's then 17 officially recognized sectarian communities. As demographic developments, including emigration, transformed the slight Christian majority into a minority, Muslim leaders demanded amendments to the fixed 6-to-5 ratio of Christian-to-Muslim parliamentary seats and to exclusive Maronite Christian control of the presidency. In 1975, war erupted between a coalition of Lebanese Muslim and leftist militias aligned with Palestinian guerrilla groups on one side, and an array of Christian militias bent on preserving the political status quo on the other.

After the first few years of fighting, a loose consensus emerged among Lebanese politicians regarding a new power-sharing arrangement. However, following the entry of Syrian and Israeli troops into Lebanon in 1976 and 1978, the various militias and their foreign backers had little interest in disarming. The civil war lost much of its sectarian character over the next decade, with the bloodiest outbreaks of fighting taking place mainly within the Shiite Muslim, Christian, and Palestinian communities, or between local and foreign forces.

In 1989, the surviving members of Lebanon's 1972 parliament convened in Taif, Saudi Arabia, and agreed to a plan put forward by the Arab League that would weaken the presidency, establish equality in Christian and Muslim parliamentary representation, and mandate close security cooperation with occupying Syrian troops. A new Syrian-backed government then extended its writ to most of the country, with the exception of southern Lebanon, which remained under Israeli occupation until **2000**.

In the years that followed, although Syria consolidated its control over Lebanese state institutions, Lebanon managed to preserve greater political and civil liberties than were allowed in most Arab countries. While Lebanese who openly condemned the occupation risked arbitrary arrest and imprisonment, criticism of the government was tolerated. By the end of the decade, Lebanon's economy was in deep recession, and growing public disaffection with the postwar establishment spurred demonstrations against Syrian domination.

In 2004, the United States joined with France and most other European governments in calling for an end to Syria's power over Lebanon. Damascus moved to consolidate its control by forcing the Lebanese parliament to approve a constitutional amendment extending the six-year tenure of President Emile Lahoud, a staunch Syrian ally and a rival of Prime Minister Rafiq Hariri. On the eve of the parliamentary vote, the UN Security Council issued a resolution calling for a presidential election, the withdrawal of all foreign forces, and the disarmament of militias. The amendment nevertheless passed, provoking an international outcry.

Encouraged by the international climate, Hariri and other politicians who had been loyal to Syria began defecting to the opposition. In February 2005, four months after resigning as prime minister, Hariri was killed along with 22 others in a car bombing. Widespread suspicions of Syrian involvement led to international pressure for an immediate Syrian withdrawal and to extensive anti-Syrian demonstrations in Beirut. An interim government that included Hariri's allies and parliamentary opposition

figures was formed to oversee legislative elections. Syrian troops pulled out of the country in April, and in the May and June balloting, allies of the late Hariri—calling themselves the March 14 Coalition—expanded their parliamentary bloc to 72 out of 128 seats. The coalition went on to form a new government led by Prime Minister Fouad Siniora.

The March 14 Coalition lacked the two-thirds parliamentary majority needed to overturn Lahoud's term extension and elect a new president, leaving the pro-Syrian Lahoud in office. This division paralyzed the government and impeded reform of the security establishment and judiciary. In October 2005, a UN panel charged with investigating Hariri's murder reported "converging evidence pointing at both Lebanese and Syrian involvement" in the crime. Meanwhile, a series of assassinations and bombings that began in the months after the Syrian withdrawal targeted key anti-Syrian politicians.

On July 12, 2006, the powerful militia of the Shiite Islamist movement Hezbollah captured two Israeli soldiers and killed eight others in a cross-border raid. The attack sparked a six-week war with Israel that severely damaged Lebanon's infrastructure and killed some 1,500 people, most of them Lebanese civilians. After the war ended with a UN-brokered ceasefire, Lebanese politicians struggled to stabilize the government. The March 8 opposition group—led by Hezbollah and aligned with Iran and Syria—left the government in November 2006, demanding a reorganized cabinet in which it would hold veto power. Hezbollah mounted a round-the-clock protest outside the cabinet offices, and street battles between supporters of the rival factions broke out with increasing frequency.

Political assassinations aimed at anti-Syrian lawmakers and public figures continued in 2007. Also during the year, the army waged a four-month war against a Sunni Islamist militant group based in Nahr el-Bared, a Palestinian refugee camp; the fighting killed some 400 people and displaced more than 30,000 others. The camp was completely destroyed, and reconstruction did not begin until late 2008. UN peacekeepers stationed in southern Lebanon also came under attack in 2007.

Political deadlock continued throughout 2007, as the pro- and anti-Syrian coalitions in the parliament repeatedly failed to elect a new president to replace Lahoud, whose term expired in November. The two sides agreed that army commander Michel Suleiman would become president as a compromise candidate, but they could not agree on the process for electing him.

Increasingly violent clashes between government and opposition supporters broke out in early 2008, and each camp's foreign patrons adopted bellicose rhetoric. The protracted conflict escalated quickly when the government announced two decisions in May that threatened Hezbollah's communications network. Hezbollah and its allies captured West Beirut in one night, closing their opponents' media and political offices by force. Battles between the opposition and government supporters raged across Lebanon for nearly a week, while the opposition kept the country's main roads, airport, and some ports shut down. The fighting left nearly 100 people dead.

Rival political leaders traveled to Qatar for a round of intense negotiations immediately following the clashes. They agreed to elect Suleiman as president immediately, to form a national unity government, and to amend the election law in preparation for the 2009 parliamentary elections. Suleiman was duly elected on May 25,



and the national unity government was composed of 16 ministers from the March 14 Coalition, 11 from the March 8 group, and three neutral ministers. March 8 was granted certain key ministries, such as foreign affairs, telecommunications, power, and labor. A revised election law was passed in September.

The Qatar-brokered agreement led to improved relations with Syria; the two countries announced in October that they would establish formal diplomatic relations and exchange ambassadors for the first time.

Even after the agreement, sectarian clashes persisted in northern Lebanon, focusing on the city of Tripoli. The north was also the site of several bombings during the summer that targeted the army. The violence stirred fears of a growing Sunni radical movement in the area.

**Political Rights and Civil Liberties:** Lebanon is not an electoral democracy. Although the 2005 parliamentary elections were judged to be generally free and fair, vote buying was reported to be rampant, and the districts were heavily gerrymandered to favor Muslim parties. All parties recognized the need to reform the election law before the 2009 elections, and a generally transparent and inclusive process that involved international observers and civil society ensued in 2007-08. The principles of a new election law were negotiated in Qatar in May 2008, and the details were debated extensively in the parliament before final approval in September.

The new law brings Lebanon closer to international standards for democratic elections by introducing campaign finance and media regulations, and by holding the polls on a single day nationwide rather than spreading them over a four-week period. A 10-member committee will supervise compliance with the campaign finance and media regulations. The new law also significantly reduced the size of the multiseat election districts, making them much more religiously homogeneous. With the number of seats allotted to each sect unchanged, the shape of the 2009 government was set to be decided in a small number of districts with politically divided Christian populations. Lawmakers rejected calls to reduce the voting age from 21 to 18, to print standardized ballot papers, and to allocate a certain number of seats for women.

The president is selected every six years by the 128-member National Assembly, which in turn is elected for four-year terms. The president and parliament nominate the prime minister, who, along with the president, chooses the cabinet, subject to parliamentary approval. The unwritten National Pact of 1943 stipulates that the president be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the National Assembly a Shiite Muslim. Parliamentary seats are divided among major sects under a constitutional formula that does not reflect their current demographic weight. Shiites comprise at least a third of the population, but are allotted only 21 percent of parliamentary seats.

Political and bureaucratic corruption is widespread. Businesses routinely pay bribes and cultivate close ties with powerful politicians to win contracts, and anti-corruption laws are loosely enforced. There were numerous allegations of graft surrounding the distribution of reconstruction aid and victim compensation for both the 2006 Israeli-Hezbollah conflict and the 2007 Nahr el-Bared fighting. Accusations of corruption in the country's electricity sector are also persistent. Though an access to information law was discussed, but not approved by parliament in 2008, there

is currently little incentive for transparency, and ministries release information at their discretion. Ministers and members of parliament are generally accountable to their parties and political constituencies rather than to the public at large. Lebanon was ranked 102 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is somewhat limited but far more substantial than elsewhere in the Arab world. Lebanon has a long tradition of press freedom, though nearly all media outlets have ties to political groups. Seven privately owned television stations and more than 30 privately owned radio stations operate, as do dozens of privately owned print publications, reflecting a diverse range of views. Internet access is not restricted. Vaguely worded laws that criminalize critical reporting on Syria, the military, the judiciary, and the presidency remain in force. The series of assassinations that have targeted anti-Syrian journalists since 2005 have all gone unpunished to date.

Journalists cannot report from some Hezbollah-controlled areas without the group's explicit permission and oversight. The opposition forcibly shut two newspapers, a magazine, a television station, and two radio stations during the May 2008 fighting. These attacks on the media led to a public outcry, and the outlets resumed operation shortly after the violence ended. Three journalists were injured during the May fighting. Separately, the home of the editor of *Al-Anbaa*, a newspaper that was critical of the opposition, was targeted in an arson attempt in January.

Freedom of religion is guaranteed in the constitution and protected in practice. However, informal religious discrimination is common, especially as the country's recent political crisis had a strong sectarian element. Academic freedom is firmly entrenched. The country's universities are the Arab world's most open and vibrant.

Rights to freedom of association and assembly are generally unrestricted. On several occasions in recent years, hundreds of thousands of Lebanese have rallied in favor of or in opposition to the government. A tent camp populated by opposition supporters remained in immediate proximity to the government's headquarters from December 2006 to May 2008.

Lebanon's civil society is vibrant, and nongovernmental organizations (NGOs), including human rights groups, operate openly. The government requires notification of an NGO's formation. The Ministry of Interior has at times transformed the notification process into an approval process and has been known to conduct inquiries into an organization's founding members. NGOs must invite ministry representatives to general assemblies where votes are held on bylaws or boards of directors. All workers except those in government may establish unions, which have the right to strike and bargain collectively. The country's largest union, which has ties to the opposition, won a modest minimum-wage increase in 2008.

The judiciary—consisting of civilian courts, a military court, the Judicial Council, and a Constitutional Council—is ostensibly independent, but it is subject to heavy political influence in practice. The Judicial Council nominates judges, who are then approved by the Justice Ministry. Both government and opposition parties vet judicial appointments. A member of the Judicial Council resigned in October 2008, citing the council's refusal to endorse even 1 of the 100 or more qualified judges on its list in the past two years. International standards of criminal procedure are generally observed in the regular judiciary, but not in the military court, which consists

largely of military officers with no legal training. Most military court trials are concluded in a matter of minutes.

Arbitrary arrest and detention by the security forces were commonplace before 2005, but they have been curtailed since UN personnel were embedded with the security services to investigate the assassination of former prime minister Rafiq Hariri. The use of torture to extract confessions is widespread in security-related cases. Prison conditions are poor; inmates suspected of being radical Islamists, many of whom were detained during the army's 2007 assault on Nahr el-Bared and have not been formally charged, rioted in April and October 2008.

Nearly 350,000 Palestinian refugees living in Lebanon are denied citizenship rights and face restrictions on working, building homes, and purchasing property. Residents of the Nahr el-Bared camp live under extremely difficult conditions as they await reconstruction.

Women enjoy many of the same rights as men, but they experience some social and legal discrimination. Since family and personal-status matters are adjudicated by the religious authorities of each sectarian community, women are subject to discriminatory laws governing marriage, divorce, inheritance, and child custody. Women are underrepresented in politics, holding only three parliamentary seats, and do not receive equal social-security provisions. Men convicted of so-called honor crimes against women usually receive lenient sentences. Female foreign domestic workers are routinely exploited and physically abused by employers.

## Lesotho

**Population:** 1,800,000

**Capital:** Maseru

**Political Rights:** 2

**Civil Liberties:** 3

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	4,4PF	4,4PF	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F

### Overview:

The opposition All Basotho Convention (ABC) party in 2008 continued to dispute the results of the 2007 snap elections, which were won by the ruling Lesotho Congress for Democracy (LCD) party. Mediation by the Southern African Development Community continued at year's end, but the talks appeared to have reached an impasse. Separately, press freedom continued to suffer during the year.

Lesotho gained independence from Britain in 1966, and the following 30 years featured a number of military coups, annulled elections, and suspensions of consti-

tutional rule. Parliamentary elections in 1998, although judged free and fair by international observers, set off protests after the results gave the ruling Lesotho Congress for Democracy (LCD) party 79 out of 80 constituency seats with just 60.5 percent of the vote. Troops from South Africa and Botswana—under the mandate of the 14-country Southern African Development Community (SADC)—were summoned to restore order, and an agreement that year stipulated that future elections must be supervised by an independent commission and include 40 additional, proportionally determined seats in the National Assembly. In the 2002 elections, the LCD captured 57.7 percent of the vote and 77 of 80 constituency seats, while the opposition Basotho National Party (BNP) won 21 of the new proportional-representation seats.

Prime Minister Pakalitha Mosisili called snap elections in late 2006 after 18 members of the LCD—led by former cabinet minister Tom Thabane—defected to join a new opposition party, the All Basotho Congress (ABC). The February 2007 polls, originally set for May, left a shortened, 90-day timetable that resulted in hasty preparations by the Independent Electoral Commission (IEC). Nevertheless, the elections were declared free and fair by domestic and international observers. According to the IEC, the LCD won 61 of the 80 constituency seats, with the ABC capturing 17. The commission allocated 21 of the 40 proportional-representation seats to the LCD-allied National Independent Party (NIP) and 10 to the Lesotho Workers' Party (LWP), the ABC's ally. Six other parties were also awarded seats.

Opposition parties—including the ABC/LWP and the BNP, which lost 18 seats—disputed the allocations and called a general strike. The strike was halted after the SADC agreed to mediate, but the talks had failed to resolve the dispute by the end of 2008. In July 2008, 43 by-elections were held, the results of which were also contested by the opposition. ABC supporters protested outside the office of the IEC and held some workers hostage until the protest was broken up by police.

Drought has plagued the country since 2001, leading to a critical food shortage and a UN aid effort in 2007. Lesotho is also scarred by an adult HIV/AIDS prevalence rate of over 23 percent, one of the world's highest. The government announced in 2005 that it would offer free HIV testing to all citizens, the first such program in the world.

**Political Rights and Civil Liberties:** Lesotho is an electoral democracy. King Letsie III serves as ceremonial head of state. Under a system introduced in 2002, 80 of the 120 seats in the lower house of Parliament, the National Assembly, are filled by first-past-the-post constituency votes, and 40 are filled by proportional representation. Members serve five-year terms, and the leader of the majority party becomes prime minister. Snap elections held in 2007 resulted in a landslide victory for the ruling LCD and its ally, the NIP. Opposition parties—including the ABC, LWP, and BNP—continue to contest the results, accusing the government of poll rigging, gerrymandering, and unfairly allocating seats. In November 2008, the government announced a new digital voter-registration system designed to curtail fraud.

The Senate, the upper house of Parliament, consists of Lesotho's 22 traditional principal chiefs, who wield considerable authority in rural areas, and 11 other members appointed on the advice of the prime minister.

The government has aggressively prosecuted corruption cases. In recent years, over a dozen officials and international construction firms have been investigated—and a number of both convicted—for bribery and other crimes associated with the Lesotho Highlands Water Project (LHWP), a multibillion-dollar dam and watershed project. Lesotho was ranked 92 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government generally respects freedom of speech and the press, though press freedom has declined in recent years. Independent newspapers and radio stations routinely criticize the government, while state-owned print and broadcast media tend to reflect the views of the ruling party. In May 2008, the Lesotho Communications Authority (LCA) increased the cost of broadcasting licenses sevenfold, from \$400 to \$3,000, drawing objections from press freedom advocates. Among other problems, media criticism of the government can result in heavy libel penalties, the government has been accused of withdrawing advertisements from critical outlets, and reporters are occasionally harassed or attacked. Radio journalists at Harvest FM and People's Choice FM were threatened and accused of "causing confusion" ahead of the 2007 elections. In July 2008, Harvest FM was suspended for three months for failing to cooperate with the LCA. Harvest host Thabo Thakalekoala was sentenced in October to two years in prison or a small fine, having been arrested for sedition in 2007 after reading an antigovernment letter on the air; he claimed he was forced to read the letter after receiving death threats. The government does not restrict internet access.

Freedom of religion in this predominantly Christian country is widely observed. The government does not restrict academic freedom.

Freedoms of assembly and association are generally respected. Several non-governmental organizations (NGOs) operate openly. However, assembly rights were suspended during a weeklong curfew stemming from political violence in June 2007. While labor rights are constitutionally guaranteed, the union movement is weak and fragmented, and many employers in the textile sector do not allow union activity.

Courts are nominally independent, but higher courts are especially subject to outside influence. The large backlog of cases often leads to trial delays and lengthy pretrial detention. Mistreatment of civilians by security forces reportedly continues. Prisons are dilapidated and severely overcrowded, and lack essential health services; instances of torture and excessive force have been reported. An independent ombudsman's office is tasked with protecting citizens' rights.

Tensions between Basotho and the small Chinese business community have led to minor incidents of violence.

The constitution bars gender-based discrimination, but customary practice and law still restrict women's rights in areas including property and inheritance. While their husbands are alive, women married under customary law have the status of minors in civil courts and may not enter into binding contracts. Domestic violence is reportedly widespread, but is becoming less socially acceptable. In 2006, the government announced plans to improve medical care for victims of rape. A 2005 constitutional amendment reserves a third of the seats in municipal councils for women.

## Liberia

**Population:** 3,800,000

**Capital:** Monrovia

**Political Rights:** 3

**Civil Liberties:** 4

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,5PF	5,6NF	6,5NF	6,6NF	6,6NF	5,4PF	4,4PF	3,4PF	3,4PF	3,4PF

### Overview:

President Ellen Johnson-Sirleaf continued her anticorruption campaign in 2008, but her administration faced accusations of abuse of power after local elections were canceled for financial reasons and the Supreme Court gave her the authority to appoint mayors. Also during the year, the Truth and Reconciliation Commission began hearing testimony despite a series of delays and problems with transparency.

Liberia was settled in 1821 by freed slaves from the United States and became an independent republic in 1847. Americo-Liberians, descendants of the freed slaves, dominated the political landscape until 1980, when army sergeant Samuel Doe murdered President William Tolbert in a bloody coup. Doe's regime concentrated power among members of his Rrahn ethnic group and suppressed other groups. In 1989, forces led by former government minister Charles Taylor and backed by the Gio and Mano ethnic groups launched a guerrilla insurgency from neighboring Cote d'Ivoire. A year later, Nigeria, under the aegis of the Economic Community of West African States (ECOWAS), led an armed intervention, preventing Taylor from seizing the capital but failing to protect Doe from being killed by a splinter rebel group led by Prince Johnson.

After seven years of endemic violence, a peace accord was signed, and Taylor won national elections in 1997. Nevertheless, violence continued, and Taylor made little effort to seek genuine reconciliation. Some of his rivals eventually formed Liberians United for Reconciliation and Democracy (LURD), drawing support primarily from the Mandingo ethnic group, and launched an uprising from neighboring Guinea. With rebels poised to overrun the capital and the United States calling for him to step down, Taylor resigned in August 2003 and accepted Nigeria's offer of asylum.

Taylor's departure quickly ended 14 years of intermittent civil war that had spilled over into three neighboring countries and left 200,000 Liberians dead. ECOWAS helped negotiate an end to the fighting, and West African peacekeepers became part of a 15,000-strong, UN-led force tasked with overseeing disarmament and demobilization. Delegates to the 2003 peace talks chose businessman Charles Gyude Bryant as Liberia's interim president, and he ruled the country until the 2005 elections.

Harvard-educated economist and Unity Party (UP) candidate Ellen Johnson-Sirleaf won the presidential runoff vote in November 2005, soundly defeating the first-round winner, Congress for Democratic Change (CDC) candidate and international soccer star George Weah. During the concurrent legislative polls, 12 parties—including those of former warlords such as Prince Johnson—secured seats, as did a handful of independents. The CDC placed first with 18 seats, followed by the UP with 11.

Taylor, who had been indicted by the UN-backed Special Court for Sierra Leone in 2003 for allegedly arming Sierra Leonean rebels in exchange for diamonds, was finally turned over to the court in 2006. His trial began in June 2007 in The Hague, the Netherlands, but was suspended until January 2008, when the court finally began hearing prosecution testimony.

Also in 2008, Liberia's Truth and Reconciliation Commission, established in 2006, at last began hearing testimony. Prince Johnson appeared before the court in August. There were calls for Johnson-Sirleaf to appear as well, but she did not do so during the year.

Since her inauguration in January 2006, Johnson-Sirleaf had made some noteworthy progress on fulfilling campaign promises to repair infrastructure and combat corruption. At the same time, opposition lawmakers began accusing her of increasing the power of the central government, particularly the executive branch. These claims intensified in early 2008, when the Supreme Court granted Johnson-Sirleaf the authority to appoint mayors after municipal elections, which would have been the first since 1985, were canceled, ostensibly due to financial constraints. The president's supporters argued that centralization of power was unavoidable given the difficulty of passing reforms that were needed to maintain peace. The international community has sided with Johnson-Sirleaf to date, and continues to invest in the country and forgive public debt amid signs of improving governance.

### **Political Rights and Civil Liberties:**

Liberia is an electoral democracy. International observers determined that the 2005 presidential and legislative elections were free and fair. The bicameral National Assembly consists of a 30-member Senate and a 64-member House of Representatives; senators are elected to nine-year terms, and representatives are elected to six-year terms. Presidents also serve six-year terms and are eligible for a second term. Major political parties include President Ellen Johnson-Sirleaf's UP, George Weah's CDC, the Liberty Party, and the National Patriotic Party of former president Charles Taylor. In 2008, municipal elections that were planned for October were canceled, ostensibly for financial reasons, and the Supreme Court subsequently granted Johnson-Sirleaf the authority to appoint mayors instead.

Johnson-Sirleaf has made fighting corruption a central goal of her administration. The transitional administration of 2003-05 is believed to have stolen some \$100 million in public funds, and the government has begun prosecuting a number of suspects, including interim president Charles Gyude Bryant. However, Bryant's trial was suspended at the end of 2008, along with the embezzlement cases of a number of other transitional government officials, and he argues that his continued prosecution jeopardizes peace. Meanwhile, Johnson-Sirleaf has dismissed a number of low-ranking officials in her own administration who have been accused of corrup-

tion. In August 2008, she approved the creation of the Liberian Anti-Corruption Commission, but due to resistance from the National Assembly, the commission will be barred from investigating corruption under previous regimes. A freedom of information bill was introduced in the National Assembly, though it was not passed by year's end. Nonetheless, a number of companies in the mining, timber, and rubber industries pledged to publicize their financial information in an agreement with the government. The country's progress in combating corruption is perceived favorably by the international community and has been a crucial factor in the World Bank's moves to cancel much of Liberia's debt. Liberia was ranked 138 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Since the expulsion of Charles Taylor, the media environment has become decidedly more open. There are more than 30 newspapers publishing primarily in Monrovia, and nearly 50 radio stations operate across the country. Even so, journalists continue to face harassment. For example, Liberian National Police assigned to a small town assaulted and briefly detained a radio journalist in March under order of the commander of the local Women and Child Protection police unit. The journalist had arrived at the unit to follow up on a story about a stolen child and was only released after the intervention of a local politician. Controversially, after its establishment this year the Truth and Reconciliation Commission decided that journalists attending its proceedings would be required to obtain accreditation from the commission itself.

Religious freedom is respected in practice. Muslims occasionally face discrimination, particularly because many are from the Mandingo tribe, a key ethnic component of the LURD rebel group. Most government officials are Christian, and all private businesses and public markets must close on Sunday and major Christian holidays. There are, however, seven Muslim members of the parliament. In January 2008, the minister of information, supported by the Muslim community, proposed that Ramadan be recognized as a national holiday in the interest of religious fairness and equality, though the idea was rejected by the legislature and did not receive the president's support.

The government does not restrict academic freedom. As part of the postwar reconstruction process, the government and international donors have actively encouraged primary and secondary school enrollment. However, the educational infrastructure is struggling to keep up with the influx, and many students are taught by unqualified teachers in ill-equipped classrooms.

Freedom of assembly is guaranteed and respected. Numerous civil society groups, including human rights organizations, operate in the country. The right of workers to strike, organize, and bargain collectively is recognized. Peaceful demonstrations are permitted, and this right was regularly exercised during the year. A number of protests sparked by ongoing economic hardship turned violent in 2008. In addition, a prominent advocate for the establishment of a war crimes tribunal for Liberia was detained early in the year after he announced plans to hold a public demonstration and to present grievances to U.S. president George W. Bush during his visit to Liberia. The advocate, Mulbah Morlu, was detained long enough to prevent him from meeting with Bush. Much-needed reforms to the country's labor laws were approved in January 2008, including new rules barring the dismissal of long-time employees without cause.



Under previous administrations, the judiciary was subject to extensive executive influence, intimidation by security forces, and corruption stemming from low salaries. Though Johnson-Sirleaf has pledged to build a functioning justice system, the funding allocated for that purpose has so far been inadequate. Following the 2008 Supreme Court decision to give Johnson-Sirleaf the authority to appoint mayors, critics expressed growing doubts about the independence of the judiciary. Separately, the legislature passed a law in July that allowed the death penalty for certain crimes, despite the fact that Liberia signed an international pact against the death penalty in 2005.

The Truth and Reconciliation Commission, which began functioning in 2006, has the power to investigate crimes committed between January 1979 and October 2003, and to recommend for prosecution those individuals deemed responsible for the most serious human rights violations. It has encountered a series of delays and only began hearing testimony at the beginning of 2008. Furthermore, the witnesses were not provided with psychiatric follow-up or adequate protection. The commission was forced to temporarily suspend its work in March due to concerns about the transparency of its operations, and a working group was established to investigate. After hearings resumed later in the year, former warlord Prince Johnson appeared before the commission, but Johnson-Sirleaf declined repeated calls for her to do the same.

Many of Liberia's prisons were destroyed during the war, and most have not yet been rebuilt. However, the National Palace of Corrections, which is intended to house 294 prisoners, was reopened for the first time since the war in July 2008. The additional space will help reduce overcrowding. Prison conditions in general continue to be poor, reports of abuse of female and juvenile inmates are common, and jailbreaks are frequent.

The police force is being restructured under the 2003 peace accord. While it has reached its planned strength of 3,500 officers, it still faces a lack of equipment and, at times, a lack of discipline; reports of police intimidation and abuse continue. While more than 100,000 former combatants have been disarmed and 90,000 have directly benefited from reintegration programs, the lack of available jobs—within both the police and the civilian workforce—has led to concerns that they are being recruited into regional militias once again. To compensate for some of the perceived problems with the existing police force, the government has established an elite Emergency Response Unit of no more than 500 men, whose training is set to be completed by mid-2009.

Interethnic relations continue to be strained, since many groups fought one another during the civil war. Animosity lingers primarily among the Krahn, Gio, Mano, and Mandingo ethnicities.

The treatment of women varies by ethnic group, religion, and social status. During the civil war, women and girls were often abducted as laborers or for sexual exploitation, while others joined rebel groups and militias to protect themselves. Even after the civil war, many women continue to suffer physical abuse, particularly in the Monrovia area. The United Nations considers the persistence of widespread gender-based violence, including rape, to be one of the main problems currently facing Liberia. In September 2008, a special police office funded by Norway and the United Nations was established to protect women and children, particularly against sex

crimes. Child trafficking is a persistent problem in Liberia. The government has limited facilities to combat it and investigated only seven trafficking cases in 2008. Orphanages are often used as a cover for trafficking operations or as a vehicle for fraudulently obtaining international donations.

## Libya

**Population:** 6,300,000

**Capital:** Tripoli

**Political Rights:** 7

**Civil Liberties:** 7

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF

### Overview:

**In November 2008, government forces clashed with members of the southern Tabu tribe, resulting in significant loss of life and property. Libya's generally poor human rights performance showed no signs of improvement during the year, and warmer relations with the United States and Europe appeared to dim prospects for concerted international pressure on the issue of political reform.**

Libya was part of the Ottoman Empire until the Italian conquest and occupation of the country in 1911. It achieved independence in 1951 after a brief period of UN trusteeship in the wake of World War II. Until 1969, Libya was ruled by King Idris, a relatively pro-Western monarch. A group of young army officers, led by 27-year-old captain Mu'ammar al-Qadhafi, overthrew the king while he was traveling abroad.

Al-Qadhafi believed that foreign oil companies were profiting from the country's resources at the expense of the Libyan people, and he moved to nationalize oil assets, claiming that the revenues would be shared among the population. In the early years of his rule, al-Qadhafi published a multivolume treatise, the *Green Book*, in which he expounded his political philosophy and ideology—a fusion of Arab nationalism, socialism, and Islam. Although he has been Libya's undisputed leader since 1969, making him one of the world's longest-serving rulers, he holds no official title and is referred to as Brother Leader or the Guide of the Revolution.

Al-Qadhafi adopted decidedly anti-Western policies, and after his regime was implicated in several international terrorist attacks, the United States imposed sanctions on Libya in 1981. Relations between the two countries continued to worsen, and in 1986 the United States bombed several targets in Libya, including al-Qadhafi's home. The attack led to more provocations. In 1988, a Pan Am airliner exploded over Lockerbie, Scotland, killing all 259 people aboard as well as 11 residents of the town.

After an exhaustive investigation, Scottish police issued arrest warrants for two Libyans, including an intelligence agent. The UN Security Council imposed trade sanctions on the country. Over the next several years, Libya became more economically and diplomatically isolated.

In 1999, al-Qadhafi moved to mend his international image and surrendered the two Lockerbie bombing suspects for trial. He accepted responsibility for past acts of terrorism and offered compensation packages to the families of victims. The United Nations suspended its sanctions, and the European Union (EU) reestablished diplomatic and trade relations with Tripoli. In 2001, a special Scottish court sitting in the Netherlands found one of the Lockerbie suspects guilty of masterminding the attack. Libya agreed to pay a \$10 million compensation package to the families of each of the 270 victims in 2003. The following year, al-Qadhafi made his first trip to Europe in more than 15 years, and European leaders in turn traveled to Libya. The EU subsequently lifted its arms embargo and normalized diplomatic relations; Libya purchased hundreds of millions of dollars in European weapons systems in 2007. The regime also improved its relations with the United States. In 2004, a year after al-Qadhafi's government announced that it had scrapped its nonconventional weapons program, the United States established a liaison office in Tripoli. The U.S. government eventually removed Libya from its list of state sponsors of terrorism, reestablishing a full embassy in Tripoli in 2006.

Many observers have speculated that Saif al-Islam al-Qadhafi, the leader's son, is behind some of the policy moves of the past few years. He runs a charitable umbrella organization, the Gaddafi International Foundation for Charity Associations, and has facilitated visits by foreign human rights activists. According to press reports, his foundation has made it possible for Libyan citizens to report abuses by the authorities. Saif al-Islam has also publicly criticized current conditions in Libya and advocated changes in the leadership. Nevertheless, the diplomatic and economic shifts to date have not been accompanied by noticeable improvements in political rights or civil liberties. In November 2008, the government clashed with members of the Tabu tribe in southeastern Libya, resulting in significant loss of life and property.

**Political Rights and Civil Liberties:** Libya is not an electoral democracy. Power theoretically lies with a system of people's committees and the General People's Congress, but in practice, those structures are manipulated to ensure the continued dominance of Mu'ammar al-Qadhafi, who holds no official title. It is illegal for any political group to oppose the principles of the 1969 revolution, which are laid out in the *Green Book*, although in recent years market-based economic changes have diverged from the regime's socialist ideals.

Political parties have been illegal for over 35 years, and the government strictly monitors political activity. Organizing or joining anything akin to a political party is punishable by very long prison terms and even the death sentence. Many Libyan opposition movements and figures operate outside the country.

Corruption is pervasive in both the private sector and the government in Libya, which ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

There is no independent press. State-owned media largely operate as mouth-

pieces for the authorities, and journalists work in a climate of fear and self-censorship. Those who displease the regime face harassment or imprisonment on trumped-up charges. In 2007, according to the New York-based Committee to Protect Journalists (CPJ), three suspects were sentenced to death for the 2005 murder of journalist Dayf al-Ghazal al-Shuhaibi. He had worked for state-owned media but also contributed to London-based websites focused on Libya, and had criticized the authorities in the months leading up to his death. According to CPJ, little information was released on the trial of the three suspects, prompting concerns about the authenticity of the process. The government controls the country's only internet service provider, and closely monitors internet activity; authorities often block opposition sites, and swiftly punish those who express criticism of the state.

Nearly all Libyans are Muslim. The government closely monitors mosques for Islamist activity, and there have been unconfirmed reports of Islamist militant groups allied to al-Qaeda operating against the government. In 2007, al-Qaeda declared that the so-called Libyan Islamic Fighting Group had joined its international network. The few non-Muslims in Libya are permitted to practice their faiths with relative freedom. Academic freedom is tightly restricted.

The government does not uphold freedom of assembly. Those demonstrations that are allowed to take place are typically meant to support the aims of the regime. In February 2007, the authorities arrested 13 men for planning a peaceful demonstration in Tripoli to commemorate clashes between security forces and demonstrators the previous year. Two of the men were "disappeared," though one was released without charge in May 2008. The whereabouts of the second, a medical student named Abd al-Rahman al-Qutaiwi, remained unknown. Such forced disappearances are routinely employed by government forces to detain individuals indefinitely without charge. Ten of the men arrested in 2007 received jail terms of between 6 and 15 years. Idris Boufayed, a prominent opposition figure who had led planning for the demonstration, received a 25-year sentence. Under diplomatic pressure from the United States and European governments, Libyan authorities released Boufayed in October 2008. Ten of the original 13 men, including al-Qutaiwi, remained in custody at year's end.

The law allows for the establishment of nongovernmental organizations, but those that have been granted authorization to operate are directly or indirectly linked to the government. There are no independent labor unions.

The People's Court, infamous for punishing political dissidents, was abolished in 2005, but the judiciary as a whole remains subservient to the political leadership and regularly penalizes political dissent. In July 2007, a high-profile case involving five Bulgarian nurses and a Palestinian doctor came to an end when the six defendants were released. They had been arrested in 1999 after being accused of deliberately infecting 400 Libyan children with HIV, and had since faced death sentences as the case moved through the courts. Experts have cited ample evidence that the prosecution was politically motivated, and the defendants claimed to have been tortured in custody. Their release followed intense diplomatic efforts by European nations, and resulted in improved commercial ties with Europe.

According to Human Rights Watch, prominent political opposition figure Fathi al-Jahmi, who had been in government custody almost continuously since 2002 and was gravely ill, remained in detention in 2008 despite government claims that he was

a free man. He continued to receive treatment for his cardiac disease and diabetes in a government hospital and was not allowed to seek treatment elsewhere.

In November 2008, government forces clashed with members of the Tabu tribe in Al-Kufra and other small towns in the southeastern corner of the country. Tabu tribesmen had expressed discontent since December 2007, when many of them were stripped of their citizenship, among other discriminatory measures, for their perceived support for neighboring Chad, Libya's political rival. The tribesmen engaged in vandalism and the destruction of state property, triggering the new violence as the government responded with overwhelming force. The clashes claimed a number of lives and as many as 100 people may have been injured.

A large number of migrants from sub-Saharan Africa work in Libya or pass through in attempts to reach Europe. Human rights organizations have documented and criticized the country's treatment of these migrants. The regime has been more aggressive in its crackdown on illegal laborers in recent years, increasingly the likelihood of abuses.

Women enjoy many of the same legal protections as men, but certain laws and social norms perpetuate discrimination, particularly in areas such as marriage, divorce, and inheritance. Women who have been cast out by their families are particularly vulnerable. The government considers such girls and women as wayward and can hold them in "social rehabilitation" facilities, which are de facto prisons, indefinitely and without charging them with any recognized crime.

## Liechtenstein

**Population:** 40,000

**Capital:** Vaduz

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**In 2008, Liechtenstein's status as a tax haven once again caused tension with its European neighbors. As a result, the principality's planned accession to the European Union's zone for the free movement of people was pushed back to 2010.**

Liechtenstein was established as a principality in 1719 and gained its sovereignty in 1806. From 1938 to 1997, it was governed by a coalition of the Progressive Citizens' Party (FBP) and the Fatherland Union, now the Patriotic Union (VU). The latter party then ruled alone until the FBP replaced it in 2001, having won that year's elections.

In 2000, the Organization for Economic Cooperation and Development (OECD) labeled Liechtenstein uncooperative on money laundering because of its traditional banking-secrecy laws. The principality passed a law ending anonymity for account holders, and it was removed from the list of uncooperative states in June 2001. However, the September 2001 terrorist attacks on the United States helped to renew concerns that Islamist terrorists could be laundering money in Liechtenstein. The International Monetary Fund (IMF) reported in September 2003 that the country had made progress on updating its banking regulations, but it expressed concern that understaffing in the government and banks could weaken enforcement.

In a March 2003 referendum, voters approved a constitutional amendment that granted significantly more power to the monarch, Prince Hans-Adam II. He had threatened to leave for Austria if the measure failed to pass. The amendment gave the prince the authority to dismiss the government, veto legislation, and appoint judges. However, it removed his right to rule by emergency decree. In August 2004, Hans-Adam handed his constitutional powers to his son, Hereditary Prince Alois, though the elder prince retained his title as head of state.

In two-stage elections in March 2005, the VU and the FBP won 10 and 12 of Parliament's 25 seats, respectively. However, since a small third party, the Free List, captured three seats, the two larger parties were forced to form a grand coalition. FBP leader Otmar Hasler, the prime minister since 2001, retained his post.

Prince Alois reiterated in 2006 that Liechtenstein would not make further changes to its banking-secrecy laws. In 2007, the OECD restated that the principality was an uncooperative tax haven, one of only three countries (along with Andorra and Monaco) that were so designated. However, partly in an effort to burnish its reputation, Liechtenstein did cooperate with an investigation into Siemens, the German-based engineering giant, regarding the alleged laundering of 190 million euros (US\$256 million) that may have been used for bribes.

In 2008, Liechtenstein's European neighbors renewed their tax-related complaints. German interior minister Wolfgang Schäuble criticized the country directly after his government began an investigation into German citizens hiding money in Liechtenstein. Concerns about tax havens took on new urgency as a worldwide financial crisis developed late in the year. Largely as a result of Liechtenstein's status, the principality's entry into the European Union's (EU's) "Schengen area," which allowed the free movement of people across international borders, was delayed until 2010. Liechtenstein had been expected to enter in 2008 alongside Switzerland, which was also a non-EU member.

**Political Rights and Civil Liberties:** Liechtenstein is an electoral democracy. However, the unelected monarchy won greater authority in 2003, making it the most politically powerful in Europe. The unicameral Parliament (Landtag) consists of 25 deputies chosen by proportional representation every four years. These freely elected representatives determine the policies of the government, but the monarch, currently Hereditary Prince Alois, has the power to veto legislation, dismiss the government, and appoint judges.

Political parties are able to freely organize. Two parties—the VU and the FBP—have dominated politics over the last half-century; however, the small Free List won three seats in the 2005 elections.

Liechtenstein's politics and society are largely free of corruption, and the country continues to work to build sufficient capacity to fight money laundering in its banking system. Liechtenstein has a reputation as a tax haven, despite promising in a 2005 agreement with the EU to impose withholding taxes on savings income earned by EU nationals. (The withholding would not apply to nationals of other countries, leading to further complaints from the OECD.) Liechtenstein was not ranked by Transparency International in its 2008 Corruption Perceptions Index.

The constitution guarantees freedom of expression and of the press. There is one private television station, and the only radio station is in private hands. The two daily newspapers are aligned roughly with the two major political parties. Broadcasts from Austria and Switzerland are available and popular in the country, as are foreign newspapers and magazines. Internet access is unfettered.

The constitution establishes Roman Catholicism as the state religion but protects freedom of belief. Catholic or Protestant religious education is mandatory, but exemptions are routinely granted. All religious groups are tax exempt. The government respects academic freedom.

The right to assemble freely is not infringed. The right of association is also protected, and the principality has one small trade union.

Judges are appointed by the prince. Due process is respected, and conditions in prisons are acceptable. Following controversy over the monarch's expanded powers, the Council of Europe's secretary-general gave assurances that "Liechtenstein's status as a law-based state is unarguable." The IMF has rated the financial-services regulators as capable but too understaffed to fully police all banks and accountholders. Crime is rare in the country. Switzerland is responsible for its customs and defense.

A third of the population is foreign born. Some native citizens have expressed concern over the growing number of immigrants from non-German-speaking countries. The government has responded by seeking to teach newcomers the language and culture of Liechtenstein in formal integration programs.

Liechtenstein has been a member since 1995 of the European Economic Area, a free-trade area that links non-EU members Norway, Iceland, and Liechtenstein with the EU.

Under a 2005 reform, abortion is legal in the first 12 weeks of pregnancy. A 2003 court decision upheld the principle of equal pay for equal work for women, but Liechtenstein society remains conservative—women did not receive full voting rights until 1986—and practice lags behind principle. Women are underrepresented in upper levels of business and government, but have equal rights in family law. The five-person cabinet includes one woman, responsible for foreign affairs, culture, and family affairs.

# Lithuania

**Population:** 3,400,000

**Capital:** Vilnius

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	2,2F	1,1F	1,1F	1,1F	1,1F

### Overview:

Parliamentary elections in October 2008 led to the formation of a center-right coalition government in December and the selection of Andrius Kubilius as prime minister. A concurrent nonbinding referendum on delaying the closure of the country's Ignalina nuclear power plant failed due to low voter participation. Separately, Parliament in June adopted amendments to the Law on Equal Rights, adding prohibitions against discrimination based on age, disability, sexual orientation, religion, and ethnicity.

Lithuania became independent at the end of World War I, but it was annexed by the Soviet Union in 1940 under a secret protocol of the 1939 Hitler-Stalin pact. The country regained its independence with the collapse of the Soviet Union in 1991, and it joined NATO and the European Union (EU) in April and May 2004, respectively.

Also in April 2004, President Rolandas Paksas was impeached on charges of corruption and of violating his oath of office and the constitution. Arturas Paulauskas, the Speaker of Parliament, took over as acting president until elections were held in June. Valdas Adamkus defeated Kazimiera Prunskiene, the leader of the Union of Farmers and New Democracy (VNDS), in a tight runoff contest and was sworn in as president in July.

In parliamentary elections held in two rounds in October 2004, a right-wing coalition of the Homeland Union/Lithuanian Conservatives (HU) and the Liberal and Center Union (LCS) captured 43 seats (25 for HU and 18 for the LCS). The Labor Party won 39 seats; the ruling leftist coalition of the Lithuanian Social Democratic Party (LSP) and New Union (Social Liberals) garnered 31 (20 and 11, respectively); the VNDS took 10; the Liberal Democratic Party won 10; the Electoral Action of Lithuanian Poles secured 2 seats; and independent candidates collected the remaining 6 seats. After negotiations between left- and right-wing parties broke down, a ruling center-left coalition emerged in November, consisting of the Labor Party, VNDS, the LSP, and New Union (Social Liberals).

In April 2006, the right-wing opposition initiated a no-confidence vote to remove Paulauskas of the New Union (Social Liberals) as Speaker of Parliament, citing revelations of abuse of authority in the parliamentary chancellery. The vote was supported by members of the Labor Party, who reportedly hoped to increase their over-



all influence in the government. The New Union (Social Liberals) responded by immediately pulling out of the ruling coalition, which survived for several weeks with the remaining three parties. However, on May 31, the Labor Party withdrew its ministers after prosecutors launched an investigation into misuse of the party's funds. Prime Minister Algirdas Brazauskas of the LSP resigned the next day, triggering the collapse of the government. A new ruling coalition was organized in July, consisting of the LSP, LCS, National Farmers' Union (formerly the VNDS), and the new Civic Democracy Party, which had formed following a split within the Labor Party. The four parties together held fewer than 60 seats in Parliament, marking the first time since independence that the country had a minority government. Defense Minister Gediminas Kirkilas of the LSP was chosen as the new prime minister.

In February 2008, the New Union (Social Liberals) rejoined the ruling coalition, receiving the post of environment minister following the resignation of the previous minister, who was from the LSP; the expanded coalition held a slim 72-seat majority in Parliament. The LSP needed the support of the New Union (Social Liberals) to pass controversial legislation that would create a new national energy company. Critics of the plan, including the opposition Order and Justice (TT) party, led by former president Paksas, cited a lack of transparency in the process. President Adamkus signed the law shortly after Parliament adopted it in February. In April, Prime Minister Kirkilas narrowly survived a no-confidence vote prompted in part by opponents of the energy legislation.

In the run-up to the October 12 parliamentary elections, the creation of new parties further fragmented the country's political scene. The Homeland Union-Lithuanian Christian Democrats (TS-LKD), an alliance of right-wing parties, was formed in May, as was the National Resurrection Party (TPP), which was created by a group of celebrities but did not espouse any particular ideology. Following a run-off vote on October 26, the TS-LKD emerged with 45 seats, followed by the LSP, whose popularity had declined with the weakening economy, with 25 seats. The TPP captured 16 seats; TT, 15 seats; Liberal Union (LRLS), 11 seats; the Labor Party, 10 seats; and the LCS, 8 seats. Smaller parties and independent candidates won the remaining 11 seats. A four-party, center-right majority coalition was formed in December consisting of the TS-LKD, TPP, LRLS, and LCS. Former prime minister Andrius Kubilius (1999-2000) was selected as the new premier.

Meanwhile, a concurrent public referendum on postponing the closure of the Ignalina nuclear power plant beyond 2009 failed due to low voter participation. However, the referendum was nonbinding, as Lithuania had already made a legal commitment to the European Commission to close the plant. Those opposed to the postponement bid, including President Adamkus, criticized it as an attempt by members of the ruling coalition to attract voters to the legislative elections.

In August, Russia's invasion of Georgia heightened concerns in Lithuania that Moscow would attempt to extend its influence over other post-Soviet states, including the Baltic countries. President Adamkus, along with the leaders of Estonia, Latvia, and Poland, issued a declaration condemning Russia's actions in the conflict.

**Political Rights and Civil Liberties:** Lithuania is an electoral democracy. The 1992 constitution established a unicameral, 141-seat Parliament (Seimas), with 71 members elected in single-mandate constituencies and

70 chosen by proportional representation, all for four-year terms. The prime minister is selected by Parliament, and the president is directly elected for a five-year term. While the 2008 parliamentary elections were largely free and fair, there were reports of irregularities, including alleged bribery and forged ballots. Three members of ethnic minorities hold seats in Parliament. Lithuania's many political parties operate freely, but the Communist Party is banned.

Corruption scandals involving senior government officials continued to make headlines in 2008. Former economy minister and Labor Party leader Viktor Uspaskich was arrested in September 2007 as he returned to Lithuania from his native Russia, where he had fled the previous year to escape charges of tax and electoral fraud. He was granted immunity from prosecution after being elected to Parliament in October 2008, but Parliament waived his immunity in December. In March, Vilnius city council member and former mayor Arturas Zuokas was convicted of a 2003 bribery attempt, forcing him to resign his council seat. Lithuania was ranked 58 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government generally respects freedom of speech and the press. Privately owned newspapers, as well as independent broadcast media outlets, express a wide variety of views. Libel is punishable with a fine or a prison sentence, though no cases were reported in 2008. The government does not restrict access to the internet.

Freedom of religion is guaranteed by law and largely upheld in practice. However, traditional and state-recognized religious communities enjoy certain government benefits, including state subsidies, that are not granted to unrecognized groups. The Seventh-Day Adventist Church received official government recognition in July 2008. Academic freedom is respected.

Freedom of assembly and association are generally observed. There are no serious obstacles to the registration of nongovernmental organizations (NGOs), and human rights groups operate without restrictions. Workers have the right to form and join trade unions, to strike, and to engage in collective bargaining, though there have been reports of employees being punished for attempting to organize. About 10 percent of the country's workforce is unionized.

The constitution guarantees judicial independence, which is respected in practice. Defendants generally enjoy due process rights, including the presumption of innocence and freedom from arbitrary arrest and detention, though lengthy pretrial detention remains a problem. There have been reports of police abuse of detainees and corruption within the law enforcement system. Prisons continue to suffer from overcrowding and inadequate access to health care.

The rights of ethnic minorities, who constitute approximately 16 percent of the population, are legally protected, though reports of racial or ethnic intolerance and violence increased in 2008. In June, Parliament approved amendments to the Law on Equal Rights, adding prohibitions against discrimination based on age, disability, sexual orientation, religion, and ethnicity; the amendments will not apply to religious schools. The granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees and its 1967 protocol is legally protected.

Lithuania's 1999 lustration law placed a 10-year ban on former KGB officers holding public office and working in some private sector positions. In 2007, Parliament abolished the private sector employment restrictions; the move came in re-

sponse to European Court of Human Rights rulings that the ban violated the right to employment under the European Convention on Human Rights.

Although men and women enjoy the same legal rights, women earn lower average wages than men for the same work and remain underrepresented in management positions. Of the 141 members of Parliament, 26 are women. Domestic violence remains a serious problem. Lithuania is a source, transit point, and destination for the trafficking of women and girls for the purpose of prostitution. To help address the problem, the government provides funds to NGOs that assist victims.

## Luxembourg

Population: 500,000  
Capital: Luxembourg

Political Rights: 1  
Civil Liberties: 1  
Status: Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

**Overview:** Luxembourg's coalition government remained popular for most of 2008, but the worldwide financial crisis in the fall hit the country hard, and the authorities were forced to act to limit the economy's exposure to the turmoil of the international market.

The Grand Duchy of Luxembourg was established in 1815, after the Napoleonic wars. Following a brief merger with Belgium, it acquired its current borders in 1839. The country was occupied by Germany during both world wars, and it abandoned neutrality to join NATO in 1949. After forming an economic union with Belgium and the Netherlands in 1948, Luxembourg became one of the six founding members of the European Community—now the European Union (EU)—in 1957; it adopted the euro currency in 1999. A former Luxembourg prime minister, Jacques Santer, served as president of the European Commission, the EU's executive arm, from 1995 to 1999.

After falling in public opinion polls in 2003, the center-right Democratic Party (PD) lost 5 of its 15 parliamentary seats in the 2004 elections. The opposition Socialist Worker's Party of Luxembourg (OSL) gained a seat for a total of 14, and replaced the PD as the junior coalition partner of Prime Minister Jean-Claude Juncker's Christian Social Party (PCS), which captured 24 seats. The Green Party won 7 seats, and the Action Committee for Democracy and Pension Justice (ADR) took 5 seats.

Juncker's coalition government remained relatively popular in 2006, undertaking budget cuts and reforms of the system of wage indexation, in which nationwide wages increased automatically with prices, in order to fight inflation. In 2007, recalculated

budget numbers made some of the recent reforms seem unnecessary, prompting labor unions to demand renegotiation. However, the government stood by the deal, instead awarding one-time bonuses for 2007 and 2008, along with an extra day of vacation.

The defeated EU constitutional treaty, which referendum voters in France and the Netherlands had scuttled in 2005, was reintroduced in a more modest form, known as the Lisbon Treaty, in 2007. EU leaders signed the document in October of that year. Juncker was widely considered a likely candidate for the new job of European Council president under the treaty, but the ratification process was stymied in mid-2008, when Irish referendum voters rejected the agreement. Juncker announced that he would again lead his party in national elections scheduled for 2009.

An international financial crisis emerged in late 2008, hitting Luxembourg hard; the grand duchy was an important financial hub. Among other responses, the government banned the short-selling of assets that the seller did not actually possess. While authorities in surrounding countries worked with Luxembourg to shore up major banks in the region, some also began to criticize Luxembourg's banking-secrecy rules. Such criticism intensified in the wake of scandals involving Bernie Madoff, an American investor who defrauded clients, many of whom used Luxembourg-based funds to deal with him. Luxembourg and Switzerland boycotted a Franco-German-led meeting to draw up a list of tax havens. Meanwhile, economic growth in the country appeared likely to slow substantially following years of expansion.

### Political Rights and Civil Liberties:

Luxembourg is an electoral democracy. The head of state is the unelected Grand Duke Henri, whose powers are largely ceremonial. The unicameral legislature, the Chamber of Deputies, consists of 60 members elected by proportional representation to five-year terms. The legislature chooses the prime minister. Citizens of EU countries may vote after six years' residency but are not obliged to do so; residents from non-EU countries may not vote. Foreigners constitute over a third of Luxembourg's population.

The political system is open to the rise of new parties, as demonstrated by the growth of the ADR. Originally a one-issue party focusing on higher pensions, it first had deputies elected in 1989 and did well in the 2004 elections (though a deputy left in 2006, officially reducing the party from "party" to "group" status). There are three traditionally strong parties: the PCS, historically aligned with the Catholic Church; the PD, which favors free-market economic policies; and the POSL, a formerly radical but now center-left party representing the working class. The current government, elected in 2004, is a coalition of the PCS, which has taken part in almost all governments in Luxembourg's modern history, and the POSL.

The government is largely free from corruption. Luxembourg was ranked 11 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is guaranteed by the constitution, and Luxembourg has a vibrant media environment. A single conglomerate, RTL, dominates the broadcast radio and television market, and its programming is popular in neighboring countries. Newspapers represent a broad range of opinion. Internet access is unrestricted.

Roman Catholicism is the dominant religion, but there is no state religion, and the state pays the salaries of clergy from a variety of sects. Students may choose to

study either the Roman Catholic religion or ethics; most choose the former. Protestant education is available on demand. Academic freedom is respected.

Freedoms of assembly and association are protected. Civic groups and non-governmental organizations operate freely. Luxembourgers may organize in trade unions, and a large proportion of the workforce does so. The right to strike is constitutionally guaranteed.

The judiciary is independent, but judges are appointed by the grand duke. Detainees are treated humanely in police stations and prisons.

Luxembourg's Muslim minority, mainly of Bosnian origin, faces no official hostility but does experience some mild social discrimination. In 2007, the government agreed to give Muslim leaders the same recognition and financial support enjoyed by religious leaders of other faiths.

In part because of Luxembourg's conservative social mores, women comprise just under 40 percent of the labor force, and there remains a significant gap between men's and women's wages. Though the law does not technically allow abortion on demand, a woman who has had an abortion while in "distress" is considered not to have violated the law, and "distress" is interpreted liberally. Women are underrepresented in the highest levels of government; 13 of 60 members of parliament, and 3 of 15 cabinet members, are women.

## ↓ Macedonia

**Population:** 2,000,000

**Capital:** Skopje

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



**Trend Arrow:** Macedonia received a downward trend arrow due to increased harassment of and violence against political party members during the country's June parliamentary elections, which domestic and international observers deemed the worst since independence.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,3PF	4,3PF	4,4PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

Macedonia's June 2008 parliamentary elections were accompanied by violence and fraud, drawing criticism from poll monitors. Also during the year, ethnic Albanian and opposition parties mounted intermittent boycotts of the parliament. In April, Greece vetoed Macedonia's proposed NATO membership due to a long-standing dispute over the country's name. That issue, together with the ongoing inter-

**nal political conflicts, continued to stymie Macedonia's European Union (EU) accession prospects.**

Macedonia, a republic in the communist-era Yugoslav federation, gained independence in 1992, and was known internationally as the Former Yugoslav Republic of Macedonia. Since then, however, the country's existence and legitimacy has been threatened on several levels. Greece objects to the name "Macedonia," arguing that it implies a territorial and cultural claim to the Greek region of the same name, while Bulgaria contends that the Macedonian language is a dialect of Bulgarian. Internally, poor relations between the Macedonian Slav majority and the ethnic Albanian minority have raised doubts about the country's long-term viability.

From 1992 to 1998, a center-left coalition led by the Social Democratic Party of Macedonia (SDSM) governed the country. Parliamentary elections in 1998 resulted in a transfer of power to the center-right Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity (VMRO-DPMNE). Each government since independence included an ethnic Albanian party in the ruling coalition, but in 2000-01 Albanians mounted an armed insurgency. The official demands of the uprising were greater use of the Albanian language in official institutions, an increase in the number of Albanians in the civil service, and a transfer of certain government powers to municipalities. Unofficially, however, the insurgency was motivated in part by a desire to control lucrative smuggling routes in northwestern Macedonia. An August 2001 agreement reached in the town of Ohrid temporarily satisfied most of the rebels' stated demands, though violent incidents continued to erupt periodically.

Parliamentary elections in 2002 returned the SDSM to power, and party leader Branko Crvenkovski became prime minister. He formed a coalition with the Democratic Union for Integration (DUI), headed by the leader of the ethnic Albanian uprising, Ali Ahmeti. Crvenkovski rose to the presidency in a special April 2004 election after the incumbent died in a plane crash.

The VMRO-DPMNE won parliamentary elections in July 2006, but preelection violence was followed by significant irregularities on election day. DUI supporters then mounted weeks of demonstrations to protest the VMRO-DPMNE's decision to form a coalition with a rival Albanian group, the Democratic Party of Albanians (DPA). The DUI subsequently engaged in months of intermittent parliamentary boycotts, sometimes blocking key legislation related to the Ohrid Agreement and European Union (EU) accession. The country had been declared a candidate for EU membership in 2005.

Following Macedonia's failed bid to join the NATO alliance in April 2008, Prime Minister Nikola Gruevski called early elections for June 2008, arguing that the opposition was blocking reforms and damaging the country's chances of joining NATO and the EU. The elections were widely seen as the worst since independence. International watchdog groups cited a range of irregularities—mainly in Albanian areas—including attacks on party campaign offices, failure to guarantee equal access to the media, ballot-box stuffing, and an atmosphere of violence both during the campaign and on election day. In many cases, police officers were allegedly involved in these irregularities, and 28 were suspended pending investigation. Results at 197 polling sites, or about 10 percent of all votes cast, had to be annulled. After reruns were held in the affected municipalities, the final results gave the ruling VMRO-DPMNE and

its smaller allies 63 out of 120 seats in the parliament. The opposition SDSM and its junior partners took only 27 seats. The DUI, which won 18 seats, confirmed its position as the leading Albanian party, while the rival DPA garnered 11. Gruevski brought the DUI into his new government, leaving the DPA in opposition.

The early elections were prompted in part by Greece's decision, at a NATO summit in April, to block an invitation for Macedonia to join the alliance. Macedonia's broader European integration efforts have been hampered by its strained interethnic relations and weak administrative capacity, in addition to the ongoing name dispute. However, the country has made some progress in improving the local business climate by streamlining procedures for property registration, starting up a business, and obtaining credit.

Under pressure from ethnic Albanian politicians, Macedonia recognized the independence of neighboring Kosovo in October 2008, although opinion polls showed that a majority of Macedonian Slavs opposed the move.

### **Political Rights and Civil Liberties:**

Macedonia is an electoral democracy. Most elections held since independence have been deemed satisfactory according to international standards, though the June 2008 elections were marred by a number of irregularities. Members of the unicameral, 120-seat *Sobranie* (Assembly) are elected to four-year terms by proportional representation. The president is elected to a five-year term through a direct popular vote. In recent years, relations between the president's office and the government of Prime Minister Nikola Gruevski have been strained. According to one of the reforms put in place by the Ohrid Agreement, certain types of legislation needs to be passed by a "double majority," meaning a majority of legislators from both of the main ethnic groups.

The ruling, right-leaning VMRO-DPMNE and the center-left, opposition SDSM are the main Macedonian Slav parties, and the DUI and DPA compete for the ethnic Albanian vote. There is also a host of smaller factions representing other ethnic minorities and political platforms, and many form electoral blocs with the major parties.

Corruption continues to hamper economic growth and political transparency in Macedonia, although the country has made progress in confronting it in recent years. In July 2008, President Crvenkovski pardoned the mayor of Strumica municipality of corruption charges as part of a deal to get the SDSM to end its boycott of parliament; the SDSM claimed that the charges against the mayor had been politically motivated. Macedonia was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution provides for freedom of the press. Libel is punishable by fines, but not by imprisonment. Political appointees are frequently named to senior positions in state-owned media, the main source of information for most of the population, and political parties either own or are closely linked to three of the five television stations licensed to broadcast nationwide. In the run-up to the June 2008 elections, thieves stole equipment from the main Albanian-language television broadcaster, Alsat-M, which left much of the Albanian population without a television signal during the electoral campaign. In the past, Alsat-M's staff had accused the DPA of harassment stemming from critical coverage.

State-owned Macedonian Radio Television (MRTV) provides programming in several minority languages. However, the country's outlets are strongly divided

along ethnic lines. There were no reports of restrictions on access to the internet during 2008.

The constitution guarantees freedom of religion, but a new law that took effect in May 2008 favors established religious organizations over newer ones. A long-standing dispute between the breakaway Macedonian Orthodox Church and the canonically recognized Serbian Orthodox Church continues; the leader of a faction loyal to the Serbian Church has been repeatedly arrested and harassed for his religious activities. Hard-core Islamists, reportedly receiving funds from supporters in the Middle East, have been taking control of certain local mosques. Academic freedom is not restricted.

Constitutional guarantees of freedoms of assembly and association are generally respected. NGOs typically operate without government interference. The constitution recognizes the right of workers to organize and bargain collectively. Workers have little leverage given the poor state of the economy, but strikes are common. Teachers staged a large-scale, 10-day strike in November 2008, and the government agreed to many of their demands. More than 50 percent of the legal workforce (mostly in the public sector) is unionized, although some unions have reported obstacles in their efforts to register.

According to a November 2008 EU progress report, the judiciary has made some progress in strengthening its independence and efficiency over the past year. Nevertheless, serious problems with corruption remain. Amnesty International in 2008 accused Macedonian officials of complicity in the extralegal detention, torture, and extradition to Afghanistan of a Lebanese-born German citizen, Khaled el-Masri, by the U.S. Central Intelligence Agency. International watchdog groups have on a number of occasions charged Macedonian police with ill-treatment and torture of prisoners. The Council of Europe has expressed deep concern about prison facilities in the country, while noting that some improvements have been made in recent years.

Most of the reforms called for in the Ohrid Agreement have been or are being implemented. For example, a law that took effect in January 2008 gave local governments more say on economic development issues. However, disputes between ethnic Albanian and Macedonian Slav politicians continue over matters like the use of the Albanian language throughout Macedonia, display of the flag of neighboring Albania, and increasing the number of ethnic Albanians in government. In many respects, Macedonia remains an ethnically segregated society, with the two main ethnic groups largely living in different areas and attending different schools.

Women in Macedonia enjoy the same legal rights as men, although societal attitudes limit women's participation in nontraditional roles. Women currently hold 2 out of 22 cabinet positions and 38 out of 120 parliament seats, more than at any time since independence. Every third candidate on a party's electoral list must be female. In the June 2008 parliamentary elections, this minimum was slightly surpassed. Domestic violence and trafficking of women remain serious problems, although in recent years the number of trafficked women has reportedly been on the decline. In Albanian Muslim areas, many women are subjected to proxy voting by male relatives and are frequently denied access to education.



## Madagascar

**Population:** 18,900,000  
**Capital:** Antananarivo

**Political Rights:** 4  
**Civil Liberties:** 3  
**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,4PF	2,4PF	2,4PF	3,4PF	3,3PF	3,3PF	3,3PF	4,3PF	4,3PF	4,3PF

### Overview:

While Madagascar was buffeted by three cyclones in 2008, the political environment was relatively calm. Local elections in December 2007 had effectively confirmed the dominant role of President Marc Ravalomanana and his I Love Madagascar party, although a political rival was elected as mayor of Antananarivo.

After 70 years of French colonial rule and episodes of severe repression, Madagascar gained independence in 1960. A leftist military junta seized power in 1972. A member of the junta, Admiral Didier Ratsiraka, emerged as leader in 1975 and retained power until his increasingly authoritarian regime bowed to social unrest and non-violent mass demonstrations in 1991.

Under a new constitution, opposition leader Albert Zafy won the 1992 presidential election. However, he failed to win reelection after being impeached by the Supreme Court in 1996. Ratsiraka won that year's presidential runoff election, which was deemed generally legitimate by international and domestic observers.

A decentralization plan was narrowly approved in a 1998 referendum amid a boycott by the country's increasingly fractious opposition. In the December 2001 presidential election, opposition candidate and Antananarivo mayor Marc Ravalomanana claimed that he had been denied an outright victory by polling irregularities. He declared himself president in February 2002, having refused to take part in a postponed runoff vote. After considerable violence between his and Ratsiraka's supporters, the High Constitutional Court announced that Ravalomanana had indeed won the election in the first round. Ratsiraka refused to acknowledge the result. Sporadic clashes continued until July 2002, when Ratsiraka left the country and the last of his forces surrendered. The extended crisis seriously damaged the Malagasy economy.

Ravalomanana's I Love Madagascar (TIM) party won a large majority in the December 2002 parliamentary elections. Observers from the European Union said the conduct of the polls was "generally positive." Local elections held in 2003 strengthened Ravalomanana's position. Political tensions increased in the run-up to the December 2006 presidential election, in which Ravalomanana secured a second term. While most observers agreed that the vote reflected the will of the people,

the campaign was marred by opposition claims of a biased administration and electoral irregularities.

A constitutional referendum in April 2007 increased presidential powers and made English an official language, among other changes. Ravalomanana's authority was bolstered again in September, when his TIM party won 106 of the 127 seats in the National Assembly. Also during the year, Roland Ratsiraka, a nephew of the former president and a candidate in the 2006 presidential election, received an 18-month suspended prison sentence for embezzling public funds after a prosecution that many viewed as politically motivated. Local elections in December 2007 largely confirmed TIM's dominance, but Andry Rajoelina, a young and charismatic opposition candidate won the mayoral race in the capital.

Madagascar was hit by three cyclones in 2008. One of the storms, Ivan, struck the island in February, killing roughly 100 people and displacing 190,000 others. However, the political atmosphere was relatively calm during the year. President Ravalomanana explicitly stated in January that he would not seek a constitutional revision to allow a third presidential term. Two-thirds of the Senate was elected by regional councils in April; all seats were won by supporters of President Ravalomanana. Separately, a key opposition figure, Herizo Razafimahaleo, died of natural causes in July.

Madagascar has experienced overall economic growth in recent years, due in part to large mining projects, but the World Bank estimates that annual per capita income is still only around \$300. Poverty and demand for agricultural land have put pressure on the island's forests, which are home to much of Madagascar's unique wildlife and essential to its nascent tourism industry. However, satellite imagery shows that deforestation has fallen to 0.1 percent of existing forest per year, from 0.8 percent in the 1990s.

### Political Rights and Civil Liberties:

Madagascar is an electoral democracy. However, the violence that followed the 2001 presidential election served as a reminder that peaceful democratic succession is not yet enshrined in the country's political culture. Opposition parties, independent observers, and members of the diplomatic community criticized the government of President Marc Ravalomanana for failing to enact necessary reforms—including the establishment of an independent electoral commission, the adoption of a single-ballot system, and improved transparency in voter registration, particularly in rural areas—prior to the 2006 presidential election.

The president is directly elected for up to two five-year terms. The 2007 constitutional referendum continued a trend of steadily increasing presidential power; among other provisions, it allows the president to rule by decree during a state of emergency, and abolished autonomous provinces. The National Assembly, the lower chamber of the bicameral legislature, has 127 members directly elected to four-year terms. The upper chamber, the Senate, has 33 members serving four-year terms. Two-thirds of the senators are chosen by provincial lawmakers, and the rest are appointed by the president. The president has the power to appoint or dismiss the prime minister, who may come from a party that has a minority of seats in the National Assembly.

Approximately 150 parties are registered, although only a few have a national

presence. Parties tend to suffer from internal divisions, shifting alliances, and a lack of resources and clear ideology. The ruling TIM party has an overwhelming majority in the National Assembly and Senate.

Some observers have expressed concerns about the extent of and trends in corruption in Madagascar. According to the World Bank's 2007 Governance Matters study, while corruption has increased somewhat in recent years, Madagascar remains one of the better performers in Africa. It was ranked 85 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution provides for freedom of the press. A 1990 law on press freedom was followed by the introduction of privately owned FM radio stations and more critical political reporting by the print media. However, subsequent governments have at times curbed press freedom in practice. Some current officials have reportedly sought to limit media coverage of alleged government malfeasance. In addition to his control of the state media, Ravalomanana owns the private Malagasy Broadcasting System, which operates television and radio networks. Furthermore, many private radio stations in the capital are owned by Ravalomanana supporters. In 2008, the government permitted two radio stations affiliated with opposition leaders to return to the air after suspensions. According to government sources, in 2007 there were 245 licensed radio stations, 12 registered daily newspapers, and 37 licensed television stations. Because of the low literacy rate, the print media are mostly aimed at the French-speaking urban elite. Internet use, although not widespread, is becoming more popular. According to the International Telecommunications Union, by the end of 2007 there were 110,000 internet users.

While the Malagasy people have traditionally enjoyed religious freedom, in late 2005 the government shut down a popular Protestant charismatic church that was winning followers from the more traditional Protestant movement, to which Ravalomanana belongs. The law strongly encourages, but does not require, religious organizations to register with the Ministry of Interior. Relations between the state and the Roman Catholic Church were strained in 2007, partly due to the deportation of a Jesuit priest who had long resided in Madagascar. More than half of the country's residents belong to traditional Malagasy religions. There are no limitations on academic freedom.

Freedoms of assembly and association are generally respected, and hundreds of nongovernmental organizations, including legal and human rights groups, are active. Interest groups have conducted advocacy efforts on a wide variety of issues, and political and civic organizations generally exercise their right to affect the public policy process without government interference.

Workers' rights to join unions and to strike are exercised freely. The Ravalomanana administration has endured a series of demonstrations and work stoppages, mainly over the high rate of inflation. Some of the country's labor organizations are affiliated with political groups. More than 80 percent of workers are engaged in agriculture, fishing, and forestry at a subsistence level.

A lack of training, resources, and personnel hampers judicial effectiveness, and case backlogs are prodigious. The judiciary remains susceptible to corruption and executive influence. Most of the approximately 20,000 people held in the country's prisons are pretrial detainees and suffer extremely harsh and sometimes life-threatening conditions. In many rural areas, customary-law courts that lack due process often issue summary and severe punishments.

A political cleavage has traditionally existed between the coastal *cotier* and the highland *merina* peoples, of continental African and Southeast Asian origins, respectively. Due to past military conquest and long-standing political dominance, the status of the merina tends to be higher than that of the cotier. Ethnicity, caste, and regional solidarity often are factors that lead to discrimination.

Approximately 45 percent of the workforce is female. Malagasy women hold significantly more government and managerial positions than women in continental African countries. However, they still face societal discrimination and enjoy fewer opportunities than men for higher education and employment.

## Malawi

**Population:** 13,600,000

**Capital:** Lilongwe

**Political Rights:** 4

**Civil Liberties:** 4

**Status:** Partly Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,3PF	3,3PF	4,3PF	4,4PF	3,4PF	4,4PF	4,4PF	4,3PF	4,4PF	4,4PF

### Overview:

**Political deadlock in 2008 led to a delay in the reconvening of the parliament and late passage of the budget. Former president Bakili Muluzi positioned himself as a leading challenger to current president Bingu wa Mutharika ahead of the 2009 presidential poll, but he and several of his allies were then arrested on treason charges. Restrictions on media freedom and harassment of the judiciary remained crucial problems during the year.**

Malawi gained independence from Britain in 1963. President Hastings Kamuzu Banda ruled the country for nearly three decades, exercising dictatorial power through the Malawi Congress Party (MCP) and its paramilitary youth wing. Facing an economic crisis and strong domestic and international pressure, Banda accepted a referendum that approved multiparty rule in 1993. Bakili Muluzi of the United Democratic Front (UDF) won the presidency in a 1994 election that was generally perceived as free and fair. He was reelected in 1999, and the Supreme Court rebuffed a court challenge by his main opponent.

Muluzi handpicked Bingu wa Mutharika, a relative political outsider, as his successor ahead of the May 2004 presidential election. Mutharika defeated his MCP opponent, while the MCP led the concurrent parliamentary elections with 59 of 193 seats, followed by the UDF with 49. The UDF regained its majority shortly thereafter.

ter, however, when it merged with the National Democratic Alliance (NDA) and recruited 23 independent legislators.

In early 2005, a rift between Mutharika and Muluzi, who remained the UDF chairman, worsened after several powerful UDF figures were arrested as part of Mutharika's new anticorruption campaign. Mutharika resigned from the UDF and formed the Democratic Progressive Party (DPP), which many lawmakers then joined. Impeachment charges launched that year alleged that public funds had been used to recruit legislators to the DPP, and the defections appeared to violate a constitutional clause stating that members who switch parties after elections would lose their seats. The Supreme Court upheld the clause on party defections in June 2007, putting the seats of up to 60 lawmakers in jeopardy and leaving Mutharika vulnerable to impeachment efforts.

In that context, Mutharika became locked in an acute conflict with the opposition-controlled parliament. In 2006 and 2007, passage of the budget was substantially delayed as the opposition attempted (unsuccessfully) to force action on the party-defections issue. In 2008, as the opposition prepared to compel the speaker of parliament to address the defections dispute, Mutharika delayed calling the legislature into session. When he finally did so, the opposition initially mounted a boycott and then refused to pass any bills. A deal brokered by church leaders ultimately facilitated the passage of the budget, but the party-defections issue remained unresolved.

Mutharika has also been engaged in a struggle against leading figures in the UDF. His vice president, Cassim Chilumpha, went on trial in February 2007 for allegedly plotting to assassinate the president. The trial was ongoing at the end of 2008. Muluzi in 2008 secured the UDF nomination for the 2009 presidential election, but shortly afterward, he and several other UDF insiders and former security officials were arrested for allegedly plotting to overthrow the government. All were later released on bail. Muluzi remained the target of corruption investigations pertaining to alleged theft during his time in office.

Relations with international donors, which account for 80 percent of Malawi's development budget, have improved since Mutharika took power. In 2008, Malawi obtained an aid pledge of \$286 million from the Chinese government as well as increased funding from the International Monetary Fund. Dramatic improvements in agricultural output, partially credited to a popular fertilizer subsidy program, have helped the country to achieve solid economic growth rates over the last few years. Growth rates for 2008 were estimated to be 7 percent.

### **Political Rights and Civil Liberties:**

Malawi is an electoral democracy. The president is directly elected for five-year terms and exercises considerable executive authority. The unicameral National Assembly is composed of 193 members elected by popular vote to serve five-year terms.

Elections in Malawi have been characterized by significant tension and occasional violence by police or party thugs. While generally free from overt manipulation, recent elections were marked by irregularities and bias by the electoral commission in favor of the government. The judiciary has continuously upheld President Bingu wa Mutharika's appointment of additional commissioners in 2007, despite claims that he did not consult with the opposition as required by law.

The main political parties are the ruling DPP, the opposition MCP, and the UDF, which cooperates with the MCP. Political divisions are generally based on ethnoregional loyalties and personality rather than policy. The government has targeted members of the UDF with treason and corruption charges since 2005. The efficacy of opposition parties was undermined in 2008 by the president's prolonged refusal to call the parliament into session and the subsequent unwillingness of the speaker to act on petitions to expel lawmakers who had switched to the DPP.

Mutharika has claimed that fighting corruption is a top priority. However, the opposition and civil society groups have charged that the effort has been directed primarily at Mutharika's political opponents. In 2008, in addition to ongoing investigations against former president Bakili Muluzi, a senior UDF figure was charged with theft, and another was sentenced to six years in prison for graft dating to his time as a cabinet minister in the 1990s. Still, some government figures have also been investigated and convicted on corruption charges since Mutharika took power. Anticorruption efforts have been undermined in part by the shifting leadership of the Anti-Corruption Bureau; since 2004, the bureau has had four different directors. The World Bank in 2006 noted that Malawi had failed to make significant progress on controlling corruption, and the Bank's Governance Indicators since then show no improvements in this respect. Malawi was ranked 115 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is legally guaranteed. Despite occasional restrictions, Malawi's dozen or so newspapers present a diversity of opinion. The government controls the only television station in the country (TVM), and while there are a number of radio stations, the government-owned Malawi Broadcasting Corporation (MBC) continues to dominate. Both the MBC and TVM display a significant bias in favor of the government, which led the opposition-controlled parliament to cut off funding in 2007 and 2008. Both outlets continue to operate, albeit under some duress, relying on advertising and loans to fund operations. Private outlets have encountered government harassment. In 2007, regulators ordered a television station owned by Muluzi off the air. In July 2008, immigration authorities raided Muluzi's Joy Radio and threatened to deport its manager, and the information minister indicated that the station should have its license revoked. In November 2008, the government regulatory agency revoked the license of Joy Radio; however a court order shortly thereafter returned it to the air. Separately, in February 2008, a reporter was arrested for coverage of allegations that the government planned to rig the 2009 elections. Both the Media Council and civil society groups have condemned the incendiary tone of political programs on the radio. There are no restrictions on access to the internet, although it is not widely used.

Religious freedom is usually respected, and the government does not restrict academic freedom.

The government generally upholds freedoms of association and assembly. However, since 2007, the UDF and Muluzi loyalists have had difficulties holding rallies. In June 2008, police used tear gas and live ammunition to disperse crowds that gathered to support Muluzi when he was accused of treason. At least one individual was also severely beaten by the police. In both June and August, police halted Muluzi's rallies, in one case threatening to arrest participants. In both cases, police were eventually forced to allow rallies in the wake of court rulings and legal action by the opposition.

Many nongovernmental organizations—including the constitutionally mandated Malawi Human Rights Commission (MHRC)—operate without interference. The right to organize labor unions and to strike is legally protected, with notice and mediation requirements for workers in essential services. Unions are active, and collective bargaining is practiced, but workers face harassment and occasional violence during strikes. Since only a small percentage of the workforce is formally employed, union membership is low.

The generally independent judiciary has become embroiled in political disputes and faces government hostility. Mutharika has repeatedly criticized the judiciary after antigovernment decisions and sent anticorruption police to investigate one judge in 2007. It was reported in 2008 that judges hearing a case concerning the legality of Muluzi's presidential candidacy were placed under "surveillance" by the government. The police and prosecutors have increasingly come to be associated with the politicized pursuit of government opponents.

Due process is not always respected by the overburdened court system, which lacks resources, personnel, and training. Police brutality is reportedly common, as are arbitrary arrests and detentions. Prison conditions are appalling, with many inmates dying from AIDS and other diseases.

The constitution prohibits discrimination based on language or culture, and it is not a major problem.

The government maintains respect for private property and has generally embraced free-market principles. However, in 2008 the president banned the private trade in maize, the staple crop, requiring producers to sell to the state's grain marketer. The move, undertaken on food-security grounds, was being challenged in court at year's end.

Despite constitutional guarantees of equal protection, customary practices perpetuate discrimination against women in education, employment, and business. Traditional rural structures deny women inheritance and property rights. Violence against women is common, though in recent years there has been greater media attention on and criminal penalties for abuse and rape. Abusive practices, including forced marriages and the secret initiation of girls into their future adult roles through forced sex with older men remain widespread. The practice of *kupimbira*, in which young girls of any age are sold by families to pay off debts, still exists in some areas. Trafficking in women and children, both locally and to locations abroad, is a problem. A 2008 study by the Malawi-based Center for Social Research and Norwegian Church Aid indicated that between 500 and 1,500 women and children are trafficked within the country annually. Penalties for the few successfully prosecuted traffickers have been criticized as too lenient. Despite a government program to protect vulnerable children, the U.S. State Department's 2008 human rights report noted that there was no reportable progress on the development of a nationwide, interministerial plan to identify the extent of trafficking and propose possible solutions.

## 🏠 Malaysia

**Population:** 27,700,000  
**Capital:** Kuala Lumpur

**Political Rights:** 4  
**Civil Liberties:** 4  
**Status:** Partly Free



**Trend Arrow:** Malaysia received an upward trend arrow due to the opposition's significant gains in general elections, greater pluralism and discussion in the media, and the peaceful conduct of major public protests.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	5,5PF	5,5PF	5,5PF	5,4PF	4,4PF	4,4PF	4,4PF	4,4PF	4,4PF

### Overview:

The ruling Barisan Nasional (BN) coalition lost its long-standing two-thirds parliamentary majority in the March 2008 general elections. The BN also lost control of five state governments to the opposition. Amid rising prices and the perception that the government was disconnected from the people, a large number of protests and demonstrations took place during the year. Some were halted by the police, but many were allowed to proceed. The year also featured more open political discussion in the media. However, the authorities again invoked the draconian Internal Security Act and the Sedition Act in September, arresting an opposition lawmaker, a journalist, and two bloggers.

Malaya gained independence from Britain in 1957 and merged with the British colonies of Sarawak and Sabah to become the Federation of Malaysia in 1963. The ruling Barisan Nasional (National Front, or BN, known as the Alliance before 1969) won at least a two-thirds majority in all 11 general elections between 1957 and 2008, except the ill-fated 1969 election, which was nullified following violent racial riots. The BN consists of mainly ethnic parties, dominated by the conservative, Malay-based United Malays National Organization (UMNO).

Racial tensions between the Malay majority and Chinese and Indian minorities have played a central role in Malaysian politics and economics since the country's founding. Independence was premised on a social contract, enshrined in the constitution, that granted citizenship to the non-Malay population in exchange for special rights and privileges, especially in education and economics, for all *bumiputera* (Malays and other indigenous peoples). After the outbreak of race riots in 1969, in which thousands of Chinese homes and businesses were destroyed and more than 180 people were killed, the government declared an 18-month state of emergency and tightened restrictions on free speech, assembly, and political organizations.

Modern Malaysia has been shaped by Mahathir Mohamed, one of the key ar-



chitects of efforts to shift economic power from the Chinese to the Malays, first as education minister and then as prime minister from 1981 to 2003. His development policies transformed Malaysia into a hub for multinational corporations and high-technology exports. At the same time, he stunted democratic institutions, weakened the rule of law by curtailing the press and political opponents, and drew allegations of cronyism with his state-led industrial development. Mahathir criticized conservative Muslim leaders for failing to promote a more modern brand of Islam and, at the same time, attempted to co-opt Islamist opposition forces by weaving their positions into UMNO's ideology. Mahathir's anti-Western and anti-Semitic views rankled outsiders as well.

In October 2003, Mahathir stepped down and left the premiership to his deputy, Abdullah Ahmad Badawi. The BN won 198 of the 219 seats in the lower house of Parliament in the 2004 elections, which were generally regarded as transparent. However, the three main opposition parties—the Democratic Action Party (DAP), the Islamic Party of Malaysia (PAS), and the People's Justice Party (PKR)—challenged the results on the grounds that the BN had engaged in vote rigging and other irregularities. Most specific challenges were rejected in court or withdrawn, although allegations of vote buying and problems with the electoral roll were substantiated.

Despite his strong popular mandate, Abdullah achieved little in the way of reform. In 2006, sharp divisions emerged within UNMO as Mahathir launched a series of harsh attacks on Abdullah. Meanwhile, Anwar Ibrahim, a former deputy prime minister who had been controversially removed by Mahathir in 1998, reemerged as a major opposition figure. Religious freedom declined significantly during the year with a series of court rulings that denied certain religious and legal rights for non-Muslims, sparking a national debate on constitutional guarantees and the role of Islam in Malaysia. The government took action to suppress press coverage, public discussion, and related civil society activism on ethnic issues, citing the need to prevent national unrest.

Over the course of 2007, Malaysia moved farther away from Abdullah's promises of an open and accountable government, and public frustration skyrocketed in response. Highway toll hikes in January drew peaceful protests, which were brutally suppressed by police and neglected by mainstream media. Bloggers and online news sites exposed several high-level political corruption cases, but a major crackdown on online media was launched in June and July. In May, the long-awaited judgment in the case of Lina Joy, a Muslim convert to Christianity, added to frustration among the non-Muslim population. The final ruling effectively barred Muslims from converting to other faiths. Separately, a judicial crisis kicked off in August, focusing on allegations that political figures were using their influence to secure the promotion of compliant judges. Demands for electoral reform in advance of the general elections—coupled with perceptions of rising crime, corruption, and inflation—prompted over 40,000 Malaysians to defy a police ban and attend a major November rally by the Coalition for Clean and Fair Elections (BERSIH), an alliance of opposition parties and other civil society groups. The protest formed part of what became the country's largest anti-government demonstrations in nearly a decade. The police attempted to suppress them with tear gas and water cannons, and arrested demonstration leaders. On the economic front, the government downplayed middle-class difficulties while pursuing a development program that maintained pro-Malay affirmative action policies.

The BN suffered from a January 2008 sex scandal that forced the resignation of the health minister. Nevertheless, Abdullah confirmed observers' expectations by dissolving Parliament in February and scheduling early general elections for March 8. Opposition leader Anwar Ibrahim of the PKR had been convicted on what were widely seen as politically motivated sodomy and corruption charges following his 1998 dismissal as deputy prime minister, and a five-year ban on his participation in electoral politics was due to expire in April; speculation arose that the new polls were timed so that Anwar would be unable to seek office.

The early elections appeared to backfire on the BN, as it lost its long-standing two-thirds majority in the lower house of Parliament. That dominance had allowed it to amend the constitution over 40 times since independence. The BN managed to secure just 140 of the 222 lower house seats, and Abdullah soon faced calls for his resignation. Meanwhile, the PKR captured 31 seats, up from just 1 in the 2004 elections, followed by the DAP with 28 and PAS with 23. The opposition parties also won control of 5 of Malaysia's 13 states, and formed a coalition called the People's Alliance in the wake of the polls.

Abdullah's government struggled to recover from the election defeat in the spring, but in June it implemented highly unpopular fuel-price increases to reduce the cost of ballooning oil subsidies. Opposition party members and nongovernmental organizations (NGOs) responded with a major protest rally, which police allowed to proceed after urging the public not to participate.

In August, Anwar returned to elected office by winning a by-election in a Parliament constituency held by his wife since his criminal convictions; she resigned to allow him to take the seat. The victory gave Anwar momentum to pursue his plans to form a new government, but he was ultimately unable to convince enough members of the BN to defect to his side. His failure to meet his own deadlines for organizing a majority coalition had cost him some credibility by year's end. Anwar was again accused of sodomy charges in 2008 by a former aide Mohd Saiful Bukhari Azlan, and the case was pending at year's end. Though it remained in power, the BN continued to falter. In September, reported anti-Chinese remarks by a senior UMNO politician stirred dissent among the ethnic Chinese elements of the ruling coalition, and the journalist who initially reported the comments was arrested under the Internal Security Act (ISA). Following that arrest, opposition lawmaker Teresa Kok and controversial blogger Raja Petra Kamarudin were also arrested under the ISA. The arrests were widely condemned both within and outside the BN, and all three detainees were eventually released. A series of peaceful marches in support of Raja Petra, the last to be released in November, proceeded without police interference.

In response to the arrests, Law Minister Zaid Ibrahim tendered his resignation and called for a repeal of the ISA. His departure was a serious setback for Abdullah, who had appointed him in March to spearhead judicial reform and restore the BN's popularity. Also in September, the Sabah Progressive Party (SAPP) announced that it was withdrawing from the ruling coalition, although some members split with the party and remained allied with the government.

Meanwhile, Abdullah faced mounting impatience within UMNO regarding his plans to hand power to Deputy Prime Minister Najib Razak in 2010. In October, Abdullah announced that he would not seek reelection as president of UMNO in March 2009, paving the way for Najib to seek both the party leadership and the premiership.

### Political Rights and Civil Liberties:

Malaysia is not an electoral democracy. The party that wins a plurality of seats in legislative elections names its leader prime minister. Executive power is vested in the prime minister and cabinet. The paramount ruler, the titular head of state, is elected for five-year terms by fellow hereditary rulers in 9 of Malaysia's 13 states. Mizan Zainal Abidin al-Marhum Sultan Mahmud al-Muktafi Billah Shah was elected to the post in 2006. The upper house of the bicameral Parliament consists of 44 appointed members and 26 members elected by the state legislatures, serving three-year terms. The lower house, with 222 seats, is popularly elected at least every five years. While its oversight power has increased under Prime Minister Abdullah Ahmad Badawi and since the opposition gained seats in the March 2008 elections, Parliament's role as a deliberative body has deteriorated since the 1970s.

The ruling BN is a coalition of 14 parties, most with an ethnic or regional foundation, including the dominant UMNO as well as the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC). The three main opposition parties—the DAP, PAS, and PKR—formed their own People's Alliance coalition after the March 2008 elections. Their dramatic electoral gains came despite serious obstacles, such as unequal access to the media and restrictions on campaigning and freedom of assembly, which left them unable to compete on equal terms with the BN. The country's first-past-the-post voting system also increases the power of the largest grouping. Despite winning more than 40 percent of the vote in the 2004 elections, opposition parties collectively captured only 18 out of 219 seats in the lower house. In 2008, the BN won just 51 percent of the vote but secured 140 of 222 lower house seats.

The Election Commission (EC) is frequently accused of manipulating electoral rolls and gerrymandering districts in favor of the ruling coalition, and the Registrar of Societies arbitrarily decides which parties can participate in politics. However, the EC was generally seen to have performed well in the 2008 elections, despite its sudden reversal on the use of indelible ink on election day—which cost taxpayers \$600,000—and the sporadic inclusion of phantom voters on the electoral rolls.

Abdullah has largely failed to follow through on his anticorruption campaign pledges. Corruption worsened among members of the ruling coalition in 2007, with a number of cases at the very highest levels. Also that year, the police inspector general and the deputy minister for internal security launched corruption allegations against each other, and the third-highest-ranking police officer was arrested on charges of concealing massive wealth in November. A royal commission tasked with investigating the police in 2005 recommended the creation of an independent complaints and misconduct board, but the move has been resisted by the police inspectorate general and the attorney general. A Special Complaints Commission (SCC) bill was introduced in late 2007, but it faced considerable criticism, and decisions on the issue were deferred until 2008. Malaysia was ranked 47 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Malaysia's Official Secrets Act (OSA) reduces transparency in governance and curbs freedom of information. It has been invoked both to prevent and to punish the disclosure of politically damaging information.

Freedom of expression is constitutionally guaranteed but restricted in practice, although the scope of political discussion in the media expanded noticeably after

the March 2008 elections. The 1984 Printing Presses and Publications Act (PPPA) gives the government the authority to revoke licenses without judicial review. It also requires that publications and printers obtain annual operating permits, encouraging self-censorship and limiting investigative journalism. A request from the Tamil-language daily, *Makkal Osai*, to renew its printing permit was turned down in April, but was restored later that month following an appeal. Privately owned television stations have close ties to the BN and generally censor programming according to government guidelines. Books and films are directly censored for profanity, violence, and political and religious material.

With traditional media so heavily restricted, the internet has emerged as a primary outlet for free discussion and for exposing cases of political corruption. The government responded in 2007 with an escalating crackdown, including the first defamation charges against bloggers. Bloggers were also threatened with arrest under the ISA, the OSA, and the Sedition Act, all of which could draw several years in prison. Following the March 2008 elections, the BN significantly softened its efforts to curtail online expression. Even BN veterans began to take up blogging and other new media platforms, although many of these ventures were eventually discontinued, and some politicians' blogs were allegedly written by aides.

Freedom of expression online came under attack again in August, when the Malaysian Communications and Multimedia Commission (MCMC) ordered all service providers in the country to block the controversial website MalaysiaToday.net. However, the cabinet in September bowed to public uproar over the decision, ordering the MCMC to reverse its ban on MalaysiaToday.net as well as all 127 websites that had been blocked previously for alleged pornography, fraud schemes, and illegal gambling. Also in September, prominent blogger Raja Petra Kamarudin was arrested under the ISA, and blogger Syed Azidi Syed Aziz, known online as Kickdefella, was held under the Sedition Act for allegedly encouraging others to fly the national flag upside down. Syed Azidi was released within days, while Raja Petra was held until early November.

While Abdullah continues to promote a tolerant and inclusive form of Islam, religious freedom is restricted in Malaysia. Practicing a version of Islam other than Sunni Islam is prohibited. Muslim children and civil servants are required to receive religious education using government-approved curriculums and instructors. Proselytizing by other religious groups to Muslims is prohibited, and non-Muslims are not able to build houses of worship as easily as Muslims. The state retains the right to demolish unregistered religious statues and houses of worship. In 2007, the country's highest court issued the final ruling in the high-profile case of Lina Joy, a Muslim who converted to Christianity in 1998 and has since fought to have her conversion legally recognized. The court effectively upheld a ruling that Muslims must obtain an order from a Sharia (Islamic law) court stating that they have renounced Islam before they can change their national identity cards. Given that the constitution declares Malays to be Muslims and that Sharia courts effectively prohibit Muslims from renouncing their faith, the decision rendered conversion impossible.

The government restricts academic freedom to the extent that teachers or students espousing antigovernment views may be subject to disciplinary action under the University and Colleges Act of 1971.

Freedoms of assembly and association are limited on the grounds of maintain-

ing security and public order. A police permit is required for all public assemblies except picket lines, and the granting of permits is sometimes politically influenced. Police forcefully suppressed or dispersed a number of peaceful protests in 2007, including major rallies held in defiance of police bans in November of that year. Hundreds of people were arrested in those incidents. However, several demonstrations proceeded without police interference in 2008, including rallies to protest fuel-price increases and ISA arrests.

The Societies Act of 1996 defines a society as any association of seven or more people, excluding schools, businesses, and trade unions. Societies must be approved and registered by the government, which has periodically refused or revoked registrations for political reasons. Numerous nongovernmental organizations (NGOs) operate in Malaysia, but some international human rights organizations are not allowed to form Malaysian branches.

Most Malaysian workers—excluding migrant workers—can join trade unions, but the law contravenes international guidelines by restricting unions to representing workers in a single or similar trade. The Director General of Trade Unions can refuse or withdraw registration arbitrarily, and the union recognition process can take from 18 to 36 months. In practice, collective bargaining is limited. Unions in essential services must give advance notice of strikes, and various other legal conditions effectively render strikes impossible.

Judicial independence has been compromised by extensive executive influence since an infamous 1988 scandal in which then prime minister Mahathir Mohamed sacked six top judges. Arbitrary or politically motivated verdicts are not uncommon, with the most prominent case being the convictions of Anwar Ibrahim in 1999 and 2000 for corruption and sodomy. The sodomy conviction was overturned in 2004, and he was released from prison, but the corruption charge was upheld.

Public frustration with the lack of judicial integrity soared in 2007. Long delays and obfuscations in the ongoing murder case against Abdul Razak Baginda, a prominent political analyst close to the deputy prime minister, fed perceptions of judicial bias. (The defendant was acquitted in October 2008.) The previously acquiescent Conference of Rulers (or COR, Malaysia's nine hereditary sultans) spearheaded calls for prompt reform in 2007, blocking key judicial appointment decisions by Abdullah, and the rulers were joined in their demands by lawyers' organizations. After the 2008 elections, Abdullah named Law Minister Zaid Ibrahim to lead the government's judicial reform effort, but Zaid resigned in September to protest the three ISA arrests that month. Parliament passed the Anti-Corruption Commission bill and the Judicial Appointments Commission bill in early December. However, the bills have been criticized for being watered down pieces of legislation, and the Malaysian Bar Council has criticized the judicial reform bill in particular for allowing for excessive executive influence over the composition of the judiciary.

Malaysia's secular legal system is based on English common law. However, Muslims are subject to Sharia, the interpretation of which varies regionally, and the constitution's Article 121 stipulates that all matters related to Islam should be dealt with in Sharia courts.

There is no constitutional provision specifically banning torture, and police have been known to torture prisoners and use excessive force or inhumane tactics in conducting searches. Police reform has been inhibited by resistance at the high-

est levels of the police force and, according to many, by the attorney general. In August 2007, a former chief of police and member of the 2005 commission on police reform, Hanif Omar, published a scathing statement on police practices and the government's failure to resolve the problems as crime soared

Individuals may be arrested without a warrant for some offenses and held for 24 hours without being charged. The ISA, in force since 1960, gives the police sweeping powers to hold any person acting "in a manner prejudicial to the security of Malaysia" for up to 60 days, extendable to two years. It has been used to jail mainstream politicians, alleged Islamist militants, trade unionists, suspected communist activists, ordinary criminal suspects, and members of "deviant" Muslim sects, among others. Hundreds of detainees currently held under the ISA are reportedly denied due process and systematically abused. Five leaders of the Hindu Rights Action Force (HINDRAF) were detained under the ISA after the November 2007 protests, and their applications for early release were rejected in 2008. HINDRAF was banned in November 2008.

Although the constitution provides for equal treatment of all citizens, the government maintains an affirmative action program intended to boost the economic status of ethnic Malays and other indigenous people, known collectively as bumiputera. Bumiputera receive preferential treatment in areas including property ownership, higher education, civil service jobs, and business affairs, and bumiputera-owned companies receive the lion's share of large government contracts. Of the five opposition-led states, only the DAP-controlled state of Penang has offered to eliminate the race-based preferential policy. However, no concrete measures had been put in place by year's end.

Foreign domestic workers are not covered by the Workmen's Compensation Act and are thus subject to exploitation by employers. Malaysians officially employ about 240,000 domestic workers, 90 percent of whom are Indonesian, representing roughly 20 percent of the national workforce. There are an estimated two million illegal workers in Malaysia. If arrested and found guilty, illegal workers can be caned and detained indefinitely pending deportation. An untrained volunteer reserve of hundreds of thousands of baton-wielding Malaysians, called Rela, has been pursuing illegal foreign workers and refugees since 2005, raising serious concerns among human rights groups.

Despite government initiatives and continued gains, women are still underrepresented in politics, the professions, and the civil service. Violence against women remains a serious problem. Muslim women are legally disadvantaged because their family grievances are heard in Sharia courts, where men are favored in matters such as inheritance and divorce, and women's testimony is not given equal weight. In its 2008 human trafficking report, the U.S. State Department placed Malaysia on its Tier 2 Watch List, noting the passage of antitrafficking legislation in 2007 but calling on the government to fully implement and enforce the law.

## Maldives

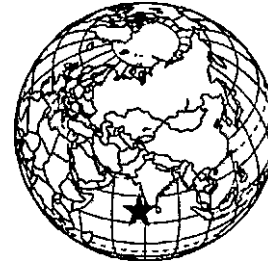
**Population:** 310,000

**Capital:** Male

**Political Rights:** 4\*

**Civil Liberties:** 4\*

**Status:** Partly Free



**Status Change:** The Maldives' political rights rating improved from 6 to 4, its civil liberties rating improved from 5 to 4, and its status improved from Not Free to Partly Free due to the country's first multiparty presidential election, which was generally considered to be free and fair, as well as the approval of a new constitution that protects a wide range of civil liberties.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	4,4PF

**Overview:** Former political prisoner Mohamed Nasheed defeated incumbent Maumoon Abdul Gayoom in the October 2008 presidential election, leading to the country's first peaceful, democratic transfer of power. The election followed the ratification of a new constitution that protected a range of civil liberties while maintaining restrictions on religious freedom. The transition was accompanied by a significantly improved media environment, but corruption and abysmal prison conditions remained serious problems.

The Maldives achieved independence in 1965 after 78 years as a British protectorate, and a 1968 referendum replaced the centuries-old sultanate with a republican system. The first president, Amir Ibrahim Nasir, held office for 10 years. He was succeeded by Maumoon Abdul Gayoom, who went on to serve six five-year terms. He won and repeatedly renewed his mandate through a tightly controlled system of presidential referendums rather than competitive elections.

Gayoom initiated political reforms after the beating death of a prison inmate sparked riots in 2003. In May 2004, voters elected a People's Special Majlis (PSM)—composed of the ordinary 50-seat People's Majlis (parliament), another 50 members elected or appointed specifically to the PSM, and the cabinet—that was tasked with amending the constitution. The next several years brought incremental improvements to the legislative, judicial, and media frameworks, interspersed with bouts of unrest, crackdowns on the opposition Maldivian Democratic Party (MDP), and restrictions on freedom of expression.

The parliament in June 2005 passed legislation allowing political parties to register and contest elections for the first time. Nevertheless, MDP leaders continued to face arrests, beatings, and prosecutions. When the MDP planned nationwide

demonstrations in November 2006, the government arrested more than 100 people in a preemptive crackdown.

As the reform process dragged on, political tensions remained high, and Gayoom was attacked in a failed assassination attempt in January 2008. The PSM approved the final set of constitutional amendments in June 2008. Under pressure from opposition demonstrators, the president ratified the new charter in August. The country's first multiparty presidential election was held in two rounds in October. Gayoom outpolled five challengers in the first round, taking 41 percent of the vote; his leading opponent was MDP leader and former political prisoner Mohamed Nasheed, who took 25 percent. Nasheed went on to victory in the runoff against Gayoom, securing 54 percent of the vote. Nearly 87 percent of registered voters turned out for the second round.

After taking office in November, the Nasheed administration initiated additional reforms to consolidate the country's democracy, though many of the changes had not yet been implemented at year's end.

### **Political Rights and Civil Liberties:**

The Republic of Maldives is not an electoral democracy. While the first democratic presidential elections in October 2008 were deemed relatively free and fair, fully democratic parliamentary elections had yet to be held. The Commonwealth Observer Group found the presidential vote to be "credible overall"—despite flaws including some preelection violence, a compressed timeframe, and voter registration problems—and noted that the runoff was an improvement over the first round. The performance of the interim election commission established in September 2008 was considered to have been generally professional, transparent, and impartial.

Under the new constitution, the president is directly elected for up to two five-year terms. The previous system had called for the People's Majlis (parliament) to choose a single candidate, who was then approved by a national referendum for unlimited five-year terms. The current Majlis was elected in January 2005 under the old constitution; 42 members were directly elected, and the remaining 8—the speaker, deputy speaker, and 6 atoll chiefs responsible for local governance—were appointed by then president Maumoon Abdul Gayoom. Although political parties had not yet been legalized, candidates affiliated with the MDP won 18 of the 42 elected seats, while government-backed candidates won 22, and independents took 2. The first parliamentary elections under the new constitution are set for May 2009. The president, parliament members, and other key officials are required to be Sunni Muslims.

Since political parties were legalized in June 2005, 12 have registered, including Gayoom's Maldivian People's Party (DRP), newly elected president Mohamed Nasheed's MDP, the Republican Party, the Social Liberal Party, and the Islamic Democratic Party, all of which fielded presidential candidates in 2008 (the sixth candidate was an independent). Although MDP supporters have faced occasional arrests and beatings in recent years, fewer such incidents occurred in 2008, and the space for opposition parties to mobilize expanded significantly.

Under Gayoom, government accountability was limited by the executive branch's almost complete control over the legislature and judiciary. However, a new, independent auditor general and the revised constitution provided greater transparency in



2008, shedding light on pervasive corruption. The auditor reported in July that the government faced a budget deficit of 4.4 billion rufiyaa (\$342 million), and found in October that the president's office had issued cash gifts to senior defense officials and subsidies to friendly media outlets. In November, a parliamentary committee reported political discrimination in the distribution of aid after a 2004 tsunami. A new Anti-Corruption Commission (ACC) replaced a discredited anticorruption board in October; its members are appointed by the president and approved by a parliamentary majority. The Maldives was ranked 115 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While modestly eased media restrictions have been offset by crackdowns on journalists in recent years, the media environment improved significantly in 2008. By year's end, according to the U.S. State Department, most outlets were able to "report largely unfettered by government censorship or interference." The new constitution guarantees freedoms of expression and the press, but it places restrictions on speech deemed "contrary to the tenets of Islam." Though some print publications are still owned by Gayoom allies, the number of private radio stations increased during the year, and the country's first private television channel began operating, while several others were preparing to open. However, these outlets were authorized through individual agreements with the government rather than new broadcasting legislation, limiting their legal protection. Reforms at state-run TV Maldives reportedly yielded unprecedented coverage of the opposition, but observers noted a progovernment bias in the run-up to the October election. The Dhivehi-language *Minivan Daily*, one of the few publications to report critically on the Gayoom government in recent years, unexpectedly announced its closure upon Nasheed's inauguration.

Journalists were less subject to arrest and harassment in 2008 than in past years. A *Minivan Daily* photographer was arrested in March, after allegedly receiving threats from a police officer who demanded video footage of police beating a lawmaker in 2006; a court reportedly ordered the charges dropped in November. Also in November, a court struck down a dubious drug conviction against *Minivan Daily* writer Abdullah Saeed, who was subsequently released from life imprisonment after nearly three years behind bars. Pro-opposition websites were unblocked in 2008, but the Ministry of Islamic Affairs announced in late November that Christian websites would be blocked, arguing that they could negatively affect belief in Islam.

Freedom of religion remains severely restricted. Islam is the state religion, and all citizens are required to be Sunni Muslims. Non-Muslim foreigners are allowed to practice their religions only in private. Imams must use government-approved sermons. In June 2008, the Supreme Council of Islamic Affairs banned a book written by an opposition presidential candidate and his brother, arguing that it contained material contrary to the principles of Islam. Under Nasheed, the council was transformed into a ministry with the sole authority to grant licenses to preachers. There were no reported limitations on academic freedom, but many scholars self-censor. Maldivians were palpably freer to discuss politically sensitive issues in public places in 2008.

Freedom of assembly was limited under Gayoom. Police often used excessive force to break up demonstrations, and opposition figures were sentenced under vague charges of "disobedience to order." Thirteen people were temporarily detained in July 2008 for demonstrating against Gayoom's delay in signing the new constitu-

tion. The new constitution guarantees freedom of assembly, and a number of peaceful demonstrations were held during the year, but police continued to forcefully disperse peaceful protesters in a number of cases under the Nasheed administration. Nasheed apologized for an incident in which police reportedly used excessive force on resort workers who had gone on strike in late November.

The new constitution and the Employment Act, which took effect in August 2008, provide for a minimum wage and grant workers the rights to form trade unions and strike, all of which had been excluded from the 1998 constitution. In response to a series of strikes, the country's first labor tribunal was established in December to enforce the Employment Act. There were no reports in 2008 of harassment of non-governmental organizations (NGOs), whose numbers grew during the year.

The new constitution provides for an independent judiciary. Judges were sworn into the first Supreme Court and final court of appeals in September 2008, though opposition politicians questioned some of their legal qualifications. Late in the year, courts showed signs of increasing independence from the executive. Civil law is used in most cases, but it is subordinate to Sharia (Islamic law), which is applied in matters not covered by civil law and in cases involving divorce or adultery. As a result, the testimony of two women is equal to that of one man, and punishments such as flogging and internal exile continue to be carried out.

Prison conditions remain abysmal. Following the first independent inspection, local NGOs reported in November 2008 that inmates were regularly tortured or beaten and that women were sexually abused by guards in the country's largest jail. The Nasheed administration initiated efforts to reform and retrain police forces. While the Gayoom government was known to detain political prisoners, the new constitution bans arbitrary arrest, torture, and prolonged detention without adequate judicial review. It also requires compensation for those detained without legal justification. In November, Nasheed established an eight-member parole board to recommend sentence reductions for unjustly detained inmates. After prisoners launched a hunger strike to protest delays in the review, the government transferred 119 inmates to house arrest in December; 60 others were moved to a drug rehabilitation center. Nasheed announced shortly after his election that his government would not prosecute Gayoom and other former officials for rights violations they may have committed in office.

Women, who enjoy a 98 percent literacy rate, are increasingly entering the civil service and receiving pay equal to that of men, though traditional norms still limit opportunities for many women. Women hold few senior positions in the government, but there are six female members of parliament, and Nasheed appointed women to the posts of attorney general, minister of health and family, and deputy minister of education. Unlike the old charter, the new constitution authorizes a woman to become president.

# Mali

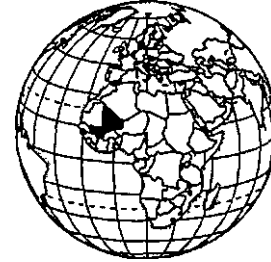
**Population:** 12,700,000

**Capital:** Bamako

**Political Rights:** 2

**Civil Liberties:** 3

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,3F	2,3F	2,3F	2,3F	2,2F	2,2F	2,2F	2,2F	2,3F	2,3F

## Overview:

**Ethnic Tuareg rebels continued to attack Malian military installations during 2008. The government signed a peace agreement with a Tliareg rebel alliance in July, but several Ttiareg nomads were killed by an anti-Tuareg militia group in September, and new rebel violence broke out toward the end of the year.**

Mali was ruled by military and one-party regimes for more than 30 years following independence from France in 1960. After soldiers killed more than 100 demonstrators demanding a multiparty system in 1991, President Moussa Traore was overthrown by the military.

Alpha Oumar Konare of the Alliance for Democracy in Mali (ADEMA) won the presidency in 1992 elections that were deemed credible by most observers. He won a second and final term in 1997 amid a boycott by most of the opposition. Several opposition parties also boycotted that year's National Assembly elections, in which ADEMA secured 128 of 147 seats.

In the May 2002 presidential election, Amadou Toumani Toure, a popular former general who had led Mali during the post-Traore transition period, ran as an independent and won with 64 percent of the second-round vote against the ADEMA candidate. During legislative elections in July of that year, the Hope 2002 coalition secured 66 seats, topping the ADEMA-led coalition's 51 seats. Despite administrative irregularities, most observers considered the 2002 polls to be generally free and fair. Local elections in 2004 were orderly and transparent, and ADEMA won nearly 30 percent of the seats in Mali's more than 700 communes.

Toure, running as the candidate of the Alliance for Democracy and Progress (ADP) coalition, was reelected with 71 percent of the second-round vote in the April 2007 presidential election. The ADP secured 113 seats, with 51 going to ADEMA, its largest constituent party, in elections for the National Assembly in July. The main opposition coalition, the Front for Democracy and the Republic (FDR), won 15 seats, with a smaller party and independents securing the remaining 19 seats.

Rebel activity in the north of the country continued in 2007. The government had negotiated a peace agreement with ethnic Tuareg rebels in 1991 that included efforts to integrate rebel fighters into the military and enhance development initia-

tives. However, in May 2006, a group of Tuareg army deserters attacked military barracks in Kidal region, seizing weapons and demanding greater autonomy and development assistance. Tensions abated two months later after the government and a rebel coalition, the Democratic Alliance for Change, signed a new peace agreement that restated the government's commitment to providing economic incentives for the region. The North Mali Tuareg Alliance for Change, a rebel faction led by Ibrahim Bahanga that did not support the 2006 agreement, attacked a military post in Kidal in May 2007, killing one gendarme. Between August and September 2007, the group took 36 soldiers hostage, and its land mines killed 10 people. Following talks between the two sides, the rebels released the captured soldiers between December 2007 and March 2008.

Nevertheless, Bahanga's rebel faction continued to attack military targets and abduct soldiers in 2008, and a ceasefire signed in April gave way to further rebel assaults in May and June. A separate Tuareg rebel faction attacked a police base in the town of Tessalit on July 19, abducting three gendarmes. Two days later, the government and a coalition of rebel groups called the May 23 Democratic Alliance for Change signed a peace agreement based on the 2006 pact, and by early September, both sides had released the last of their captives. However, four Tuareg nomads were killed that month by an anti-Tuareg militia, Ganda Izo, made up primarily of members of the Peulh and Sonrai ethnic groups. The government responded by arresting the militia's leader and dozens of suspected members. In late December, some 20 people were killed when the Bahanga faction, which did not sign the July peace deal, staged a new attack on a military base.

Although it is one of the world's least-developed countries, Mali has undertaken significant political and economic reforms since the early 1990s, including a decentralization program that gave greater autonomy to local communities. Mali has benefited from international debt relief, and in 2006, it was approved for poverty-reduction projects by the U.S.-funded Millennium Challenge Corporation. Approximately 80 percent of the labor force is engaged in subsistence agriculture.

### **Political Rights and Civil Liberties:**

Mali is an electoral democracy. Despite opposition allegations of fraud during the 2007 presidential election, voting was peaceful, and international observers declared the results valid. The president, who appoints the prime minister, is elected by popular vote to serve up to two five-year terms. Members of the 147-seat unicameral National Assembly serve five-year terms, with 13 seats reserved to represent Malians living abroad. The constitution prohibits parties based on ethnic, religious, regional, or gender affiliations. Numerous political parties operate in shifting electoral coalitions, and in practice they are often organized around leading personalities, patronage, and ethnic or regional interests. The largest party is ADEMA, currently part of the ruling ADP coalition.

President Amadou Toumani Toure's government has launched anticorruption initiatives including the creation of the Office of the General Auditor. Although several civic associations also work to raise awareness of corruption, it remains a problem, particularly in public procurement and contracting. Mali was ranked 96 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Mali's media have been considered among the freest in Africa, although authorities in 2007 invoked criminal libel laws in several cases. In the most prominent, authorities arrested a school teacher for assigning his students a fictitious essay about a presidential sex scandal, along with five newspaper editors who covered the story. All six were fined and received short or suspended jail sentences. There were no such libel prosecutions in 2008. However, a journalist with the daily *Les Echos* was detained for a night in September on charges of possessing a camera on public transportation. This followed the journalist's encounter with a police officer who was demanding money from bus passengers who could not produce identity cards. Over a dozen privately owned newspapers are published in Bamako, in addition to the state-owned *L'Essor*, and a variety of public and private radio and television stations present diverse viewpoints, including those that are critical of the government. The government does not restrict internet access, although less than 1 percent of the population had access in 2008.

Mali's population is predominantly Muslim. However, the state is secular, and minority religious rights are protected by law. Religious associations must register with the government. Academic freedom is respected.

Freedoms of assembly and association are respected. Many civic groups and nongovernmental organizations, including human rights groups, operate without interference. However, clashes between government and rebel forces in March and April 2008 forced some humanitarian organizations to temporarily curtail their activities in the north. The constitution guarantees workers the right to unionize, with the exception of the security forces; nearly all salaried employees are unionized. In February 2008, the government paid back salaries to teachers following protests and strikes in late 2007.

The judiciary is not independent of the executive, though it has shown increased autonomy in rendering decisions that are unfavorable to the government, which has in turn respected the judgments. Local chiefs decide the majority of disputes in rural areas. Detainees are not always charged within the 48-hour period set by law, and there are lengthy delays in bringing defendants to trial.

Although there are reports of police brutality, courts have convicted some perpetrators. Prison conditions are harsh. The government permits human rights monitors to visit prisons, but at least one group has complained that cumbersome administrative procedures make investigations difficult.

No ethnic group predominates in the government or security forces. Long-standing tensions between the marginalized Moor and Tuareg pastoralist groups on the one hand, and the more populous nonpastoralist ethnic groups on the other, have fueled intermittent Tuareg rebellions and other instability, including the anti-Tuareg militia attacks of September 2008.

Women are underrepresented in high political posts; 14 were elected to the National Assembly in 2007, and 5 of 27 cabinet ministers are women. Domestic violence against women is widespread. Women have limited access to legal services, and family law favors men. A proposed revision of the family code was released for public comment in early 2008, but faced criticism from some Islamic groups. Despite legislation giving women equal property rights, traditional practice and ignorance of the law prevent many from benefiting. Female genital mutilation (FGM) is common—an estimated 95 percent of adult women have undergone the practice—and

although it is prohibited in publicly financed health centers, it is not illegal. The government is pursuing measures, including an educational campaign, to eliminate FGM. A number of women's rights groups are active in Mali.

Although the constitution prohibits forced labor and a 2002 law criminalized child trafficking, adult trafficking is not criminalized. The U.S. State Department classifies Mali as a source, transit point, and destination country for women and children trafficked for the purposes of sexual exploitation and forced labor. Laws now require children under 18 to carry travel documents. In late March 2008, a smuggler attempting to transport 26 children, mostly Guineans, into Mali was intercepted by border police. Slavery is a problem in Mali, particularly in the north, and according to some rights groups, there may be thousands living in conditions of servitude.

## Malta

**Population:** 400,000

**Capital:** Valletta

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**In the tightest election in decades, the ruling Nationalist Party (PN) edged out the opposition Malta Labour Party by just 1,200 votes. In keeping with the constitution, extra seats were added to the parliament to ensure that the winning party had a legislative majority.**

After gaining independence from Britain in 1964, Malta joined the Commonwealth and became a republic in 1974. Power has alternated between the pro-Western, center-right Nationalist Party (PN) and the nonaligned, leftist Malta Labour Party (MLP). The PN pursued membership in the European Union (EU), which the country finally achieved in 2004.

In March 2004, the parliament elected Edward Fenech Adami, the outgoing prime minister and veteran PN leader, as president of the republic. Lawrence Gonzi, the deputy prime minister, took over the premiership.

Gonzi led the PN to a narrow victory in the March 2008 elections, defeating the MLP by a margin of just 1,200 votes. The PN won 49.3 percent of the overall vote, compared with 48.9 percent for the MLP. However, the results in the country's 13 5-seat electoral constituencies gave the MLP 34 seats and the PN just 31, triggering a constitutional provision that allowed extra seats to be added to ensure a legisla-

tive majority for the party winning the popular vote. The PN consequently received four additional seats. Voter turnout was 93 percent, the lowest the country had seen since 1971.

In September 2008, the government welcomed the EU's adoption of the European Pact on Immigration and Asylum. Malta had long advocated a common EU immigration policy to help share the responsibility of integrating the influx of migrants it receives each year. While Malta had been criticized in previous years for refusing to rescue stranded boats carrying immigrants off its shores, no similar incidents occurred during 2008.

**Political Rights and Civil Liberties:** Malta is an electoral democracy. Members of the 65-seat unicameral legislature, the House of Representatives, are elected through proportional representation with a single-transferable-vote (STV) arrangement, allowing voters to rank competing candidates by preference. The parliament is elected for five-year terms, and lawmakers in turn elect the president, who also serves for five years. The president names the prime minister, usually the leader of the majority party or coalition. Elections are generally free and fair. After the 2008 elections, four extra seats were added to the parliament, for a total of 69 members, to ensure that the party winning the overall popular vote obtained a legislative majority.

The ruling PN and opposition MLP dominate national politics. The smaller Democratic Alternative party also competes, but is not currently represented in the parliament.

The EU has faulted Malta for its lack of a specific anticorruption program. In the run-up to the March 2008 elections, member of parliament Jeffrey Pullicino Orlando was accused of corruption after an open-air disco was illegally granted a building permit on his property. An investigation was ongoing at year's end. Malta was ranked 36 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution guarantees freedom of speech and of the press, though incitement to racial hatred is punishable by a jail term of six to eight months. In March 2008, Norman Lowell, the leader of the right-wing Imperium Europa party, was sentenced to two years in prison, suspended for four years, for several incidents of inciting racial hatred between 2003 and 2006, as well as for insulting the Maltese president. There are several daily newspapers and weekly publications in Maltese and English, as well as radio and television stations. Residents also have access to Italian television broadcasts. The government does not block internet access.

The constitution establishes Roman Catholicism as the state religion, and the state grants subsidies only to Catholic schools. While the population is overwhelmingly Roman Catholic, small communities of Muslims, Jews, and Protestants are tolerated and respected. There is one Muslim private school. Academic freedom is respected, and there is generally free and open discussion in the country.

The constitution provides for freedoms of assembly and association, and the government generally respects these rights. Nongovernmental organizations investigating human rights issues are able to operate without state interference. The law recognizes the right to form and join trade unions, and limits on the right to strike were eased in 2002. However, a compulsory arbitration clause in the country's Em-

ployment and Industrial Relations Act allows the government to force a settlement on striking workers, contravening the International Labor Organization's Convention 87. The clause is reportedly used only when all other channels for arbitration have been exhausted. In 2005, the government froze the assets of the General Workers' Union (GWU) following a dispute between the GWU and a government-owned shipyard.

The judiciary is independent, and the rule of law prevails in civil and criminal matters. The Police Ordinance Act, which took effect in 2003, established a witness protection program and a mechanism for handling complaints about the police. Prison conditions generally meet international standards, although the Council of Europe's Commission for Human Rights has objected to detention conditions for irregular migrants and asylum seekers. An independent report on the military's violent 2005 suppression of a protest by detained immigrants raised concerns about the use of excessive force, recommending an internal military inquiry and better training for soldiers. In January 2008, a report was released by the European Parliament that the Hal Far detention center did not meet acceptable standards due to overcrowding and prolonged detention. However, the report also claimed that basic treatment of detainees was adequate.

According to the 2007 Migrant Integration Policy Index, migrants in Malta are explicitly discriminated against, and the government provides very little protection for those who file complaints. An Equality Agency is being established to offer legal advice to migrants.

The government respects personal autonomy. However, divorce is illegal, and violence against women continues to be a problem. Abortion is prohibited, even in cases of rape or incest. Women occupy only 6 of the 69 seats in the parliament. However, women now hold two cabinet posts: minister for Gozo (the second-largest island in the group) and minister for education, culture, youth and sport. These women are the first to attain such senior government positions.

Malta, which is a destination for men and women trafficked for the purpose of sexual exploitation, remains on Tier 2 in the U.S. State Department's 2008 Trafficking in Persons Report. The placement indicates that Malta does not fully comply with minimum antitrafficking standards but is making significant efforts to do so.



## Marshall Islands

**Population:** 50,000

**Capital:** Majuro

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Lawmakers in January 2008 chose Litokwa Tomeing as the new president, rejecting incumbent Kessai Note's bid for a third term. The results of the November 2007 parliamentary elections had not become clear until early January because discrepancies in the original vote tallies had triggered recounts.

The atolls and islands that make up the present-day Republic of the Marshall Islands (RMI) were claimed by Germany in 1885 and occupied by Japan during World War I. U.S. forces took control during World War II, and the RMI was placed under U.S. trusteeship in 1947. The country gained independence in 1986, but one-fifth of its citizens live in the United States or U.S. territories, and the economy is heavily dependent on U.S. rent and assistance.

The RMI maintains close relations with the United States under a Compact of Free Association that first came into force in 1986. The pact allows the United States to maintain military facilities in the RMI in exchange for defense guarantees and development assistance. An amended compact that took effect in 2004 will run through 2023, promising annual U.S. transfers of \$57 million over the first 10 years and \$62 million a year for the next 10 years. The amended compact contains funding and accountability requirements that were absent in the original. RMI citizens also retain visa-free access to the United States to live, work, study, and seek medical services.

The 2004 compact extended use of the Kwajalein missile-testing range—the primary U.S. testing ground for long-range nuclear missiles and missile-defense systems since 1964—through 2066. Landowners on the atoll have yet to agree to this portion of the compact. They want \$19 million in annual rent, \$4 million more than the U.S. was offering. The two countries also have to agree on compensation for victims of nuclear weapons tests on the Bikini and Enewetak atolls in the mid-20th century. Bikini remains uninhabitable, and Enewetak is partly contaminated. A \$150 million Nuclear Claims Fund provides compensation for past, present, and future RMI claimants; this sum has proven inadequate, however, as the Nuclear Claims Tribunal set up under the original compact has awarded some \$1.5 billion in personal injury and property damages. President Litokwa Tomeing sought to bridge the demands of the claimants with the U.S. position with a December 2008 proposal

that \$1.2 million in U.S. grants be awarded annually beginning in 2009 as interim funds to pay the personal injury awards; the United States, however, rejected this proposal.

Kessai Note became the first commoner to win the presidency in 2000, after his United Democratic Party (UDP) won the 1999 legislative elections. He won a second term after another UDP victory in 2003. In the November 2007 legislative polls, the voting was poorly managed. Polling stations opened late in the capital, some in the outer islands ran out of ballots, and overseas voters had a short window to request and return ballots. International monitors reported irregularities, including voters being told to put their names on ballot envelopes in clear violation of voting rules. Vote counting and recounts continued for weeks after the elections, and by the end of 2007, up to 75 percent of overseas votes had been declared invalid.

With the final results in January 2008 showing no clear majority for any single party, 18 of the 33 parliament members chose former speaker and traditional chief Litokwa Tomeing of the Aelon Kein Ad (Our Islands) party as the new president. Tomeing pledged transparency and good governance, and assured Taiwan of continued diplomatic ties. He also promised renegotiation of the amended compact with the United States to obtain higher rents, more development assistance, and full compensation for those affected by weapons tests. Tomeing defeated a no-confidence vote against his presidency in October.

### Political Rights and Civil Liberties:

The RMI is an electoral democracy. The president is chosen for a four-year term by the unicameral House of Representatives (Nitijela), from among its members. The chamber's 33 members are directly elected to four-year terms. An advisory body, the Council of Chiefs (Iroj), consists of 12 traditional leaders who are consulted on customary law. The two main political parties are Aelon Kein Ad and the UDP.

Corruption is a considerable problem. There has reportedly been little progress on reform and transparency improvements, although the government identified the latter as a priority in its Vision 2018 national development strategy, a 15-year development strategy launched in 2001. The country was not ranked in Transparency International's 2008 Corruption Perceptions Index.

The government generally respects freedom of speech and of the press, although journalists occasionally practice self-censorship on sensitive political issues. A privately owned newspaper, the *Marshall Islands Journal*, publishes articles in English and Marshallese. The government's *Marshall Islands Gazette* contains official news but avoids political coverage. Broadcast outlets include a government radio station, a church-owned radio station, and in some areas, U.S. armed forces radio and television. Cable television also offers foreign news, entertainment, and occasional reports on local events. The government does not restrict internet access, but penetration rates are low due to cost and technical difficulties.

Freedom of religion and academic freedom are respected in practice. Four-year college education is rare; the College of the Marshall Islands offers two-year professional training courses. The quality of secondary education remains a serious concern, as most high school graduates have only elementary-level math proficiency, and less than half have elementary-level English proficiency.

Citizen groups operate freely in the country. Many are sponsored by or affili-

ated with church organizations and provide social services. The government broadly interprets constitutional guarantees of freedom of assembly and association to cover trade unions. There is no formal right to strike or to engage in collective bargaining, but neither activity is prohibited.

The constitution provides for an independent judiciary. The government raised judges' salaries in recent years to attract and retain more qualified jurists. Nearly all judges and attorneys are recruited from overseas. Police brutality does not appear to be a problem. Detention centers and prisons meet minimum international standards.

Social and economic discrimination against women is widespread despite the RMI's tradition of matrilineal inheritance in tribal rank and personal property. Domestic violence against women is often alcohol related. Each year since 2000, nearly one-fifth of all babies were born to teenage mothers. Infection rates for sexually transmitted diseases are reportedly high among adolescents. Currently, only one woman sits in the parliament.

## Mauritania

**Population:** 3,200,000

**Capital:** Nouakchott

**Political Rights:** 6\*

**Civil Liberties:** 5\*

**Status:** Not Free



**Status Change:** Mauritania's political rights rating declined from 4 to 6, its civil liberties rating declined from 4 to 5, and its status declined from Partly Free to Not Free, due to the military's ouster of the democratically elected president, the arrest of top civilian officials, and the imposition of restrictions on assembly and the media.

### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	5,5PF	5,5PF	6,5PF	6,5NF	6,4PF	5,4PF	4,4PF	6,5NF

### Overview:

President Sidi Ould Cheikh Abdellahi was ousted in an August 2008 coup by the head of the Presidential Guard after he moved to dismiss top military leaders. Military authorities detained the president and several other officials, took control of the state broadcast media, and cracked down on anticoup demonstrations. At year's end, the military-led government had not established a timetable for the return to constitutional government. The deposed president remained under house arrest until late December, while the ousted prime minister remained imprisoned at the end of 2008. International condemnation of the coup was widespread, and the junta faced the suspension of foreign aid. Meanwhile, discrimination against certain ethnic groups and women remained prevalent.

Following independence from France in 1960, Mauritania was ruled by a series of civilian and military authoritarian regimes. In 1984, Colonel Maaouya Ould Sidi Ahmed Taya ousted President Mohamed Khouna Ould Haidallah. Although Taya introduced a multiparty system in 1991, he repeatedly secured poll victories for himself and his Democratic and Social Republican Party (PRDS) through the abuse of state resources, suppression of the opposition, and manipulation of the media and electoral institutions. Opposition groups often responded with electoral boycotts, and a failed coup attempt triggered two days of fighting in the capital in June 2003.

In September 2004, Taya's government accused Burkina Faso and Libya of backing disgruntled soldiers in another failed coup. Former president Haidallah—Taya's unsuccessful main challenger in the 2003 presidential election—and two other opposition leaders were put on trial for coup plotting, along with 170 military personnel. Haidallah and most of the others were acquitted in February 2005, although four soldiers received life sentences.

Military officers led by Colonel Ely Ould Mohamed Vail finally overthrew Taya's government in August 2005, a move that was greeted with strong domestic support. Soon after taking power, the Military Council for Justice and Democracy (CMJD) pardoned and released hundreds of political prisoners, and dozens of political activists returned from exile. In October, the CMJD set a timeline for holding elections and established an independent electoral commission to administer the process. Voters in June 2006 approved a constitutional amendment limiting presidents to two five-year terms. Legislative and municipal elections were held in November and December 2006, with independent candidates, mostly former PRDS members, securing a majority of the seats. Senate elections were held in January and February 2007, and independents again won a majority. Sidi Ould Cheikh Abdellahi, running as an independent, was elected president in March with 52 percent of the second-round vote. This series of elections were the first in Mauritania's history to be broadly viewed as generally free and fair.

On August 6, 2008, the head of the Presidential Guard, General Mohamed Ould Abdel Aziz, ousted Abdellahi in a coup. The president had drawn criticism from military leaders and members of the ruling National Party for Democracy and Development (PNDD), a pro-presidential party formed in early 2008, due in part to his inclusion of hard-line Islamists and former members of Taya's regime in the cabinet in May 2008. That government resigned in June under the threat of a parliamentary no-confidence vote, and Abdellahi formed a new cabinet in July that included only PNDD members. This also failed to gain lawmakers' confidence, however, and 48 PNDD members of parliament quit the party on August 4. The coup was mounted shortly after Abdellahi fired four leading generals, including Abdel Aziz, on the morning of August 6. Security forces arrested the president, the prime minister, and several other officials.

The coup leaders announced that an 11-member junta, the High State Council, would run the country until new elections were held, but that other institutions such as the parliament could continue to function normally. While the international community strongly condemned the coup and key donors suspended nonhumanitarian aid, the domestic reaction was mixed. A majority of lawmakers and mayors expressed support, but a coalition of four pro-Abdellahi parties formed the National Front for the Defense of Democracy, and some parties refused to participate in the junta-led

government, which was formed on September 1. The next day, the legislature selected an eight-member panel to try the president on charges of corruption and obstructing parliament. At the end of 2008, the junta had still not established a timetable for a return to constitutional government. The deposed president remained under house arrest until December 21, but the ousted prime minister remained imprisoned at year's end.

Despite the initiation of oil production in 2006, Mauritania remains one of the world poorest countries, with some three-quarters of the population dependent on subsistence agriculture and livestock production. Mauritania imports about 70 percent of its food, and rising global food prices sparked social unrest in late 2007 and early 2008 that helped to weaken Abdellahi's presidency.

**Political Rights and Civil Liberties:** Mauritania is not an electoral democracy. The transitional elections of 2006 and 2007 were generally praised by independent observers, but constitutional government was suspended by the August 2008 coup. Under the 1991 constitution, the president is responsible for appointing and dismissing the prime minister and cabinet, and a 2006 amendment imposed a limit of two five-year presidential terms. While the 2006 amendments also banned the president from leading a political party, then president Sidi Ould Cheikh Abdellahi's supporters established the PNDD in early 2008. In the 2006 legislative elections, members of the 95-seat National Assembly, the lower house of the bicameral legislature, were elected to five-year terms by popular vote in single-member districts. The 53 members of the Senate, the upper house, were elected by mayors and municipal council members, and 3 were chosen by other senators to represent Mauritians living abroad. All senators were elected to serve six-year terms.

Some 25 parties competed in the 2006 legislative and municipal elections, and 19 parties competed in the 2007 presidential election. However, Mauritania lacks a developed party system, and it was widely accepted that Abdellahi was the military's choice for president in 2007. Independents won over 40 percent of the National Assembly seats, and political debate during the campaign periods was weak. Long-standing restrictions on religious- and ethnic-based parties remain in place, although authorities permitted Islamist candidates to contest the transitional elections as independents, and allowed a moderate Islamist party to form in 2007. A complex web of clan and ethnic loyalties also strongly influences the country's politics.

The transitional government established after the 2005 coup took a number of steps to reduce corruption, creating an inspector general's office and working to improve transparency in the management of oil revenues. Although Abdellahi was publicly committed to fighting corruption, he was criticized prior to the 2008 coup for blocking an inquiry into the misuse of public funds by his wife. Mauritania was ranked 115 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Press freedom generally improved under the transitional government and during Abdellahi's presidency, but journalists continued to practice self-censorship, and private newspapers faced the threat of closure for material seen as offensive to Islam or threatening to the state. The military imposed new media restrictions after the 2008 coup, beginning with the takeover of state broadcast media. Several private

newspapers were unable to publish the day after the coup when soldiers blocked the road to the country's only printing press, although they were able to post content online. At least two journalists were arrested for attempting to cover anticoup protests in August and October. Separately, the publisher of and a reporter for the weekly *Al-Houriya* were charged in June with libel and insult for criticizing a minister's participation in a celebration of the 60th anniversary of Israel's founding, and both men were detained for four weeks for "insulting" judges before being released in August.

Several private newspapers compete with state-run Arabic and French dailies, although their reach is limited by low circulation and a national literacy rate of only about 50 percent. There are no private radio or television stations licensed in the country, but Radio France Internationale broadcasts in the capital. While the government does not restrict internet access, less than 1 percent of the population was able to access this resource in 2008. The Al-Anba' website, which promised to expose corruption among top military officers, was reportedly blocked in early November.

Mauritania was declared an Islamic republic under the 1991 constitution, and proselytizing by non-Muslims is banned. In practice, however, non-Muslim communities have not been targeted for persecution. Academic freedom is respected.

The 1991 constitution guaranteed freedoms of association and assembly, and conditions grew more permissive when civilian rule was restored after the 2005 coup. In the wake of the latest coup, however, the junta banned protests and allowed only supporters to demonstrate. Security forces used tear gas to disperse protesters on August 7 and 8, as well as on October 5, the day before an African Union deadline to reinstate Abdellahi. Anticoup marchers were again dispersed in mid-November. Although the deposed prime minister was released five days after his initial detention, he was rearrested on August 21 for attending an anticoup demonstration and remained in prison at year's end.

Workers have the constitutional right to unionize and bargain for wages, and all except members of the military, police, and judiciary are free to do so in practice. Although only about one-quarter of Mauritians are formally employed, the vast majority in the industrial and commercial sectors are unionized. The right to strike is limited by arbitration requirements.

The judicial system is heavily influenced by the government. Many decisions are shaped by Sharia (Islamic law), especially in family and civil matters. Prison conditions are harsh, and security forces suspected of human rights abuses operate with impunity. There are reports that prisoners, particularly terrorism suspects, are subject to torture by authorities. Between May and June 2008, a new prison for suspected terrorists was built on a military base, and several inmates staged a hunger strike on June 6 to protest conditions there.

Mauritania has suffered a series of small-scale attacks by Islamist militants in recent years. In December 2007, members of Al-Qaeda in the Islamic Maghreb (AQIM) killed four French tourists, and three soldiers were killed in a separate attack. AQIM gunmen fired at the Israeli embassy in February 2008, injuring three civilians, and in September, the group abducted and later killed 11 soldiers and their civilian guide. The authorities have responded harshly to the rise in attacks, and have arrested numerous terrorism suspects.

The country's three main ethnic groups are the politically and economically

dominant Moors of Arab and Berber descent; the black descendants of slaves, also known as Haratin or black Moors; and black Africans who are closer in ethnic heritage to the peoples of neighboring Senegal and Mali. Racial and ethnic discrimination persists in all spheres of political and economic life, generally to the disadvantage of darker-skinned communities. Despite a 1981 law banning slavery in Mauritania, an estimated half a million black Mauritians are believed to live in conditions of servitude. A law that took effect in February 2008 set penalties of 5 to 10 years in prison for slavery, but it drew criticism for not covering related practices such as forced marriage and indentured labor.

In July 2007, President Abdellahi announced plans for the return of black Mauritians who had been expelled following communal violence in 1989. By June 2008, as many as 4,000 refugees had returned, out of a population of some 24,000 in Senegal and 6,000 in Mali. They received housing assistance, but many faced difficulty recovering confiscated land. Resettlement slowed during the summer rainy season but resumed in late October.

Freedom of movement was hampered in the country after the August 2008 coup, as checkpoints multiplied and the general security presence increased.

Under rules established during the transitional period, party lists for the National Assembly elections had to include district-based quotas of female candidates. At the municipal level, women were guaranteed 20 percent of all seats. The 2006 polling left women with 17 seats in the National Assembly and 30 percent of all municipal council seats. Nevertheless, discrimination against women persists. Under Sharia, a woman's testimony is given only half the weight of a man's. Legal protections regarding property and pay equity are usually respected only in urban areas among the educated elite. It is estimated that three-quarters of women have been subjected to female genital mutilation, and while the government has initiated a campaign to discourage the procedure, it remains legal. Abortion is prohibited in all circumstances.

According to the U.S. State Department, Mauritania is a source and destination country for children trafficked for the purposes of forced labor and sexual exploitation. Although a 2003 law prohibits trafficking, the government lacks the resources to restrict the practice and has been slow to prosecute suspected traffickers.

# Mauritius

**Population:** 1,300,000

**Capital:** Port Louis

**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,2F	1,2F	1,2F

### Overview:

**Mauritius' parliament in August 2008 approved the creation of a commission tasked with shedding light on the island's controversial history of slavery and indentured labor. President Sir Anerood Jugnauth, the ceremonial head of state, was reelected in September by parliament for another five-year term.**

Mauritius's ethnically mixed population is primarily descended from immigrants brought as laborers from the Indian subcontinent during the island's 360 years of Dutch, French, and British colonial rule. Since gaining independence from Britain in 1968, Mauritius has maintained one of the developing world's most successful democracies.

Navinchandra Ramgoolam served as prime minister from 1995 until 2000, when President Cassam Uteem called early elections after a series of corruption scandals led to the resignation of several cabinet ministers. The opposition alliance, led by the Mauritian Socialist Movement (MSM), won the vote, and its leader, Sir Anerood Jugnauth, returned to the premiership, having previously held the post between 1982 and 1995. In a planned power shift, Paul Berenger, the leader of the Mauritian Militant Movement (MMM)—which was allied with the MSM—became prime minister in September 2003, the first person from outside the island's Indian-origin majority to hold the post.

Parliamentary elections in 2005 resulted in victory for the opposition Social Alliance, led by Ramgoolam. Frustration with rising unemployment and inflation, which had followed the loss of preferential trade deals with the United States and the European Union, contributed to the outcome. Municipal elections in October 2005 further cemented the Social Alliance's hold on power. In 2006, however, rising prices for a wide range of products and concerns about increased criminal activity diminished the popularity of the new government, which adopted a number of policies designed to further liberalize the economy, including the sale of government assets and reforms of the labor market, the pension system, social security, taxation, and facilities for foreign investors.

In August 2008, the Mauritius National Assembly approved legislation establishing a Truth and Justice Commission to examine the country's history of slavery



and indentured labor and to consider possible reparations. Former prime minister Sir Anerood Jugnauth, the ceremonial head of state, received another five-year mandate from the parliament. Former inhabitants of the Chagos Islands, who had been evicted to Mauritius by Britain to make way for a military base in the 1960s, lost a long-running legal battle with the British government to secure their return in October 2008.

Mauritius continued to enjoy political and economic stability in 2007 and 2008, and the government has actively sought to promote itself as an economic gateway to Africa. The country has reportedly attracted more than 9,000 offshore entities, and since independence, the banking sector alone has drawn more than \$1 billion in investments. The World Bank's 2009 report on the ease of doing business ranked Mauritius 24 out of 181 countries surveyed, ahead of France and Germany.

**Political Rights and Civil Liberties:** Mauritius is an electoral democracy. Since independence, Mauritius has regularly chosen its representatives in free, fair, and competitive elections. The head of state is a largely ceremonial president elected by the unicameral National Assembly for a five-year term. Executive power resides with the prime minister, who is appointed by the president from the party or coalition with the most seats in the legislature. Of the National Assembly's 70 members, 62 are directly elected and 8 are appointed from among unsuccessful candidates who gained the largest number of votes. All members serve five-year terms. Intermittent discussions continue to occur about possible reform to the majoritarian parliamentary electoral system, which impedes the entry of new parties into parliament.

Decentralized structures govern the country's small island dependencies. The largest of these is Rodrigues Island, which has its own government, local councils, and two seats in the National Assembly. The main political groupings in Mauritius are the ruling Social Alliance coalition—which depends largely on the ethnic Indian majority—and the opposition alliance of the MMM and MSM; the two blocs have alternated in power for decades.

There have been some corruption cases in recent years, and efforts to market Mauritius as an international financial center have been impeded by domestic banking scandals. Nevertheless, the country continues to enjoy a generally positive reputation for transparency and accountability. Mauritius was ranked 41 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. It also has ranked first in the 2007 and 2008 Mo Ibrahim Index of African Governance.

The constitution guarantees freedom of expression, and several private daily and weekly publications are often highly critical of both government and opposition politicians and their policies. The state-owned Mauritius Broadcasting Corporation (MBC) operates radio and television services and generally reflects government viewpoints. A small number of private radio stations have been authorized, but the state-run media enjoy a monopoly in broadcasting local news. Mauritius has an excellent telecommunications infrastructure, and internet use is widespread, with four different service providers.

Freedom of religion is respected, as is academic freedom.

The rights to freedom of assembly and association are also respected, but police occasionally use excessive force in response, as during labor riots in 2006. Nu-

merous nongovernmental organizations operate freely, as do trade unions. The island's nine labor federations include 300 unions. In September 2008, a new labor law was enacted, giving employers greater flexibility in hiring and firing workers. In 2008, some 68,000 foreign workers were employed in 404 export-processing zones, although living and working conditions for the workers were generally very poor. An April 2008 report by the International Trade Union Confederation criticized Mauritius for restricting internationally-accepted labor rights practices.

The generally independent judiciary, headed by the Supreme Court, administers a legal system that is an amalgam of French and British traditions. Civil rights are for the most part well respected, although individual cases of police brutality have been reported. There are no known political prisoners or reports of political or extrajudicial killings.

Various ethnic cultures and traditions flourish in peace, and there is general respect for constitutional prohibitions against discrimination. However, Mauritian Creoles, descendants of African slaves who comprise about a third of the population, live in poverty and complain of unfair treatment. In addition, tensions between the Hindu majority and Muslim minority persist, constituting one of the country's few potential ethnic flashpoints. In addition, although they have not been the victims of formal discrimination, resettled Chagos Islanders have not been integrated into society, and they suffer from high levels of unemployment.

Women make up approximately 20 percent of the paid labor force and generally occupy a subordinate role in society. Domestic violence against women has continued to be a major problem. In 1997, Mauritius became the first country in the region to pass a Protection from Domestic Violence Act. After the 2005 parliamentary elections, 17 percent of the seats in the National Assembly are held by women. However, women occupy only 5 percent of the senior positions in the 100 top companies.

## Mexico

**Population:** 107,800,000

**Capital:** Mexico City

**Political Rights:** 2

**Civil Liberties:** 3

**Status:** Free



**Trend Arrow:** Mexico received a downward trend arrow due to the government's inability to protect its citizens and institutions from the pernicious effects of organized crime.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	2,3F	2,3F	2,2F	2,2F	2,2F	2,2F	2,3F	2,3F	2,3F

**Overview:** Violence associated with organized crime, particularly drug trafficking, rose dramatically in 2008, resulting in the deaths of at least 6,200 people, including several top police officials. Many of the killings were carried out in macabre, ritualized fashion. In response, the government enacted an overhaul of the criminal justice system, signed an aid package with the United States, and continued to deploy troops to the zones most affected by violence. For the third straight year, journalists were subject to severe violence and intimidation, and impunity for their assailants remained a problem.

Mexico achieved independence from Spain in 1810 and established itself as a republic in 1822. Seven years after the Revolution of 1910, a new constitution established the United Mexican States as a federal republic. From its founding in 1929 until 2000, the Institutional Revolutionary Party (PRI) dominated the country through patronage, corruption, and repression. The formal business of government often took place in secret, and the rule of law was frequently compromised by arbitrary power.

In the landmark 2000 presidential election, Vicente Fox Quesada of the National Action Party (PAN) defeated the PRI nominee as well as the candidate of the leftist Party of the Democratic Revolution (PRD), capturing 42.5 percent of the vote. The new president assembled an eclectic cabinet that included businessmen and intellectuals, announced plans to overhaul the notoriously corrupt and inefficient law enforcement agencies, and pledged to make Mexico an international leader in human rights.

By 2003, Fox's greatest achievements remained his defeat of the long-ruling PRI, providing for more open and accountable government, and arresting some leaders of the country's vicious drug cartels. Solutions to the problems of poverty, corruption, crime, and unemployment, all of which he had promised to address, remained

elusive. Elections held in July 2003 confirmed the PRI as the main opposition party both in Congress and in many statehouses.

In 2004, the PRD's Andres Manuel Lopez Obrador, the mayor of Mexico City, emerged as the front-runner for the 2006 presidential election. In 2005, Fox had to fend off charges that he was behind efforts to impeach Lopez Obrador over an obscure land case. The spat energized Lopez Obrador's political base, and the prosecution was dropped. As the July 2006 election approached, the campaign of PAN candidate Felipe Calderon sought—with Fox's help—to paint Lopez Obrador as a dangerous populist in the mode of Venezuelan president Hugo Chavez. As predicted, the election was extremely close, with Calderon prevailing by a mere 244,000 votes in the initial count.

Lopez Obrador claimed that the result was fraudulent and declared himself the winner. Between July 2 and September 5, the nation remained on edge as Lopez Obrador sought the annulment of the election and a full recount. Many Mexicans—and most international observers—were not impressed with the PRD's evidence of fraud and resented Lopez Obrador's seeming lack of respect for Mexican institutions. On September 5, the Federal Electoral Tribunal formally declared Calderon the winner following a partial recount. Though the PAN won the most seats in the congressional elections, with 206 deputies and 52 senators, the PRD elected 127 deputies, thus overtaking the PRI, which elected 106 deputies, for the first time.

Several serious incidents of social unrest occurred in 2006 and 2007. In April 2006, a large demonstration in the town of San Salvador Atenco led to clashes between police and protesters that left two people dead, more than 200 arrested, and legal controversies over police conduct and harsh prison sentences against protesters. An even more serious crisis occurred in Oaxaca, where an attempt by Governor Ulises Ruiz of the PRI to forcefully disperse protesters resulted in the deaths of several demonstrators. In the following months, protesters demanding Ruiz's resignation engaged in occasional shootouts with paramilitaries associated with the governor, causing over a dozen deaths. Fox avoided sending in federal police until late October, when the situation reached a boiling point with the death of a U.S. journalist. Separately, a long-inactive guerrilla group called the Popular Revolutionary Army (EPR) mounted a series of sophisticated attacks on oil and gas installations in May 2007 to protest the disappearance of two of its members. Investigations into the whereabouts of the missing men continued in 2008, with a commission of civilian mediators becoming increasingly frustrated with the government's lack of cooperation.

While in 2007 Calderon managed to forge legislative coalitions with the PRI and occasionally even a faction of the PRD to pass pension, tax, electoral, and judicial reforms, political disharmony increased in 2008 thanks to an attempted reform of the petroleum sector, an ongoing crime wave, and the approach of the 2009 congressional elections. For a second straight year, the PRI outperformed the other two major parties in state and local elections, which were held in seven states in 2008. The PRD also suffered a bitter internal split and long legal battle over its March leadership elections, as a faction aligned with Lopez Obrador competed with a more moderate grouping. After months of recriminations, the Federal Electoral Tribunal confirmed moderate leader Jesus Ortega as the winner.

Violence associated with organized crime, particularly drug trafficking, has wors-

ened dramatically in recent years. The number of killings linked to the problem topped 2,100 in 2006, and after taking office, Calderon began deploying the military in the states most affected. The decision to send in troops, though questioned by some human rights groups, was politically popular. Nevertheless, the number of drug-linked killings increased to over 2,600 in 2007, and the violence was pushed into new areas. The shifting fortunes of the country's cartels spurred even greater bloodshed in 2008, with at least 6,200 deaths attributed to criminal groups, including those of over 500 police officers and soldiers. The bloodshed was concentrated along the northern border, particularly in zones around Tijuana and Ciudad Juarez, but many other states also experienced significant violence. The murders often featured extreme brutality and torture designed to maximize the psychological impact on citizens, authorities, and rival groups.

In addition to homicides, organized criminals increased the volume of kidnappings, extortion, and other crimes. Extortion complaints received by federal authorities alone soared from 1,000 in 2003 to over 50,000 in both 2007 and 2008. Citizen outrage coalesced around the story of Fernando Marti, the son of a wealthy businessman who was kidnapped in June 2008 and subsequently killed by his captors. The boy's father joined with other civil society leaders to mobilize a massive march in Mexico City on August 30, calling on the government to take action. Public anger was also stirred by a grenade attack, blamed on drug cartels, in the city of Morelia during Independence Day festivities. The blasts killed eight spectators and wounded more than 100. The government took a number of steps to curb the violence and ease popular frustration, including consultations with civic leaders, a series of legal reforms, the signing of a \$1.4 billion counternarcotics aid agreement with the United States, the continued deployment of over 25,000 troops, and numerous arrests. However, an October poll revealed that 42 percent of Mexicans thought the government's strategy had actually exacerbated the situation, as opposed to only 25 percent who thought security had improved. Confidence was further diminished by the assassinations of several top federal police officials in May, followed several months later by the arrests of numerous federal officials on charges of passing information to traffickers.

Also during the year, a political battle over reform of the state oil company PEMEX eventually resulted in the passage of a bill that was perceived as a useful but insufficient first step. The official in charge of the bill, Interior Minister Juan Camilo Mourino, was killed in a November plane crash in Mexico City, along with top antidrug prosecutor Jose Luis Santiago Vasconcelos and a dozen others. With its economy closely tied to the United States, the global economic downturn struck Mexico harder and faster than most other Latin American countries, adding an additional layer of uncertainty going into 2009.

**Political Rights and Civil Liberties:** Mexico is an electoral democracy. The president is elected to a six-year term and cannot be reelected. The bicameral Congress consists of the 128-member Senate, elected for six years by a mix of direct and proportional representation, with at least one minority senator from each state, and the 500-member Chamber of Deputies, with 300 elected directly and 200 through proportional representation, all for three-year terms. Members of Congress are also barred from reelection, which decreases accountabil-

ity to constituents and increases reliance on party functionaries for subsequent employment. Each state has an elected governor and legislature.

Mexico's Federal Electoral Institute (IFE), which supervises elections and enforces political party laws, has come to be viewed as a model for other countries. The 2006 elections were considered generally free and fair, despite claims to the contrary by presidential runner-up Andres Manuel Lopez Obrador of the PRD. However, a perceived lack of control during the hard-fought presidential campaign led to many complaints, especially by the PRD, concerning negative advertising and campaigning, often using state resources, on behalf of victorious PAN candidate Felipe Calderon. In response, a major electoral reform was passed in 2007 to strictly regulate campaign financing and the content of political advertising. Supporters argued that the reform would sever the links between politics and Mexico's often oligarchic business interests. However, critics claimed that the new rules would weaken free speech, diminish the independence of the IFE, and further increase the power of the main three parties (PAN, PRI, and PRD) relative to smaller groups.

Official corruption remains a serious problem. According to the 2008 Latinobarometro poll, the average Mexican felt that 73 out of 100 public officials were likely to be corrupt. In addition, 28 percent of Mexicans stated that they or a relative had been party to a corrupt act in the previous 12 months; notably, this represented a sharp decline from the 2002-05 average of 54 percent. The Mexican prosecutor's office estimates that between US\$10 billion and US\$25 billion in illegal drug money enters the country each year from the United States; the money is then laundered, with ineffective resistance by financial, political, security, and judicial institutions. There is a perception that drug money affects politics, particularly on the state and local levels. In 2008, several local politicians were killed by criminal groups, while the major political parties pledged to bar candidates linked to organized crime from participating in the 2009 congressional elections. Mexico was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Legal and constitutional guarantees of free speech have been gradually improving, but the security environment for journalists has deteriorated markedly. No longer dependent on the government for advertising and subsidies, the competitive press has taken the lead in denouncing official corruption, though serious investigative reporting is scarce. Broadcast media are dominated by two corporations that control over 90 percent of the stations. In 2007, defamation was decriminalized at the federal level, but it remains a crime in many states.

Following a sharp increase in violence in 2006, reporters probing police issues, drug trafficking, and public corruption faced a high risk of physical harm in 2007 and 2008. At least four journalists were killed during 2008, and three others disappeared. Self-censorship has increased, and many newspapers in high-violence zones no longer publish bylines on stories involving organized crime. Press freedom groups welcomed a project to federalize crimes against journalists, but noted that the special prosecutor's office devoted to investigating these acts had made only slow progress since opening in 2006. While three men were arrested in 2008 and charged with the 2006 murder of U. S. journalist Brad Will in Oaxaca, the National Human Rights Commission (CNDH) complained of weak evidence and procedural irregularities, implying that the wrong men had been arrested. Mexico's 2002 freedom of information

law, despite some limitations, has been considered successful at strengthening transparency. The government does not restrict internet access.

Religious freedom is constitutionally protected and generally respected in practice. However, it is limited in some areas, particularly Chiapas state, and there are frequent reports of harassment of evangelicals and Jehovah's Witnesses. Political battles over hot-button issues such as abortion have led to an increase in religious discourse in the public square in recent years. The government does not restrict academic freedom.

Constitutional guarantees regarding free assembly and association are generally respected, but political and civic expression is restricted in some regions. In October 2008, six indigenous people were killed during a confrontation with police after occupying a tourist site in Chiapas. Several dozen officers remained under investigation at year's end. Nongovernmental organizations (NGOs), though increasingly active, sometimes face violent resistance, including threats and occasional murders. Although the status of Mexican trade unions as a pillar of the PRI has diminished significantly, independent unions have long faced government and management interference. Informal, nontransparent negotiations between management and politically connected union leaders often result in "protection contracts" that govern employee rights but are never seen by workers. In addition, workers attempting to form independent unions are frequently fired by management.

The justice system remains plagued by delays and unpredictability. In rural areas, respect for laws by official agencies remains tenuous, and coordination between federal authorities and the state and local police forces—which comprise nearly 95 percent of all police—is problematic. Lower courts and law enforcement in general are undermined by widespread bribery. A significant majority of crimes go unreported because the notoriously underpaid police are viewed as either inept or in league with criminals. Torture, arbitrary arrest, and abuse of prisoners persist in many areas. In 2008, a video emerged of police in Guanajuato state teaching trainees how to use torture to extract information from detainees. In many of the most crime-plagued zones, federal police and troops have, upon arrival, simply relieved local police of duty. Prisons are violent and at least 30 percent overcrowded, and pretrial detainees account for up to 40 percent of inmates. Prison riots in September and October 2008 resulted in the deaths of at least 40 prisoners.

In June 2008, Congress passed a major constitutional reform that replaced the civil-inquisitorial trial system with an oral-adversarial one. Experts viewed this as an overwhelmingly positive measure that would strengthen due process and increase efficiency and fairness. An explicit presumption of innocence and stricter rules regarding evidence were also included. Nonetheless, human rights groups raised concerns about the vague definition of organized crime and the substantially weaker protections, including extended detention without charge, afforded to organized crime suspects.

Presidential authority over the armed forces is extensive, but the military has historically operated beyond public scrutiny, and human rights advocates, including the CNDH, have warned that its strengthened counternarcotics role has not been accompanied by increased clarity regarding limitations on its conduct. Over 1,200 complaints of abuse were filed in 2008, including allegations of kidnapping, torture, rape, and murder. Although three soldiers were convicted of rape in a civil court in

October 2007, military personnel are generally tried in military courts, even when charged with human rights abuses against civilians, and impunity is the norm in such trials. In addition, an estimated 150,000 soldiers have deserted since 2000, providing a large pool of trained recruits for criminal groups.

Mexican law bans all forms of discrimination, including those based on ethnic origin, gender, age, and religion. Nevertheless, social and economic discrimination has marginalized Mexico's indigenous peoples. Their ability to participate in decisions affecting their lands and cultural traditions is usually negligible, and many are relegated to extreme poverty in rural villages that lack most essential services. Some indigenous groups, particularly in Chihuahua and southern states, were harmed by the criminal violence in 2008. Separately, in July, Mexico loosened the penalties for illegal presence in the country. Rights groups frequently detail persecution and crime against migrants from Central America, who are often bound for the United States.

Domestic violence and sexual abuse is common, and perpetrators are rarely punished. In February 2007, the government passed a comprehensive law to protect women from domestic abuse, but progress in implementation, particularly at the state level, remained halting in 2008. Mexico is both a source and a transit country for trafficked persons. Internal trafficking is also a problem. The killings of hundreds of women in the U.S. border zone over the last 15 years has remained a controversial subject as the 14-year statute of limitations begins to affect unsolved cases. In Ciudad Juarez, the epicenter of Mexico's criminal violence in 2008, the number of women killed rose substantially along with the overall murder rate.

## Micronesia

**Population:** 100,000

**Capital:** Palikir

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Beginning in August 2008, the United States withheld disbursement of financial assistance to Chuuk state, citing poor internal controls and a lack of accountability. Audits by the Office of the National Public Auditor in August revealed that Chuuk officials had abused the use public funds for travel throughout 2006 and 2007.

The United States administered Micronesia, which included the Marshall Islands and other Pacific island groups, between 1947 and 1979 as a UN Trust Terri-



tory. In 1970, the Northern Marianas, Marshall Islands, and Palau demanded separate status from Kosrae, Pohnpei, Chuuk, and Yap; these latter four territories, representing 607 islands, became the Federated States of Micronesia (FSM). The FSM adopted a constitution and became self-governing in 1979 as the trusteeship expired and status negotiations with the United States continued.

In 1986, the FSM signed its first Compact of Free Association with the United States, which provides the FSM with U.S. economic and defense assistance in exchange for U.S. military bases in the islands. An amended compact, which extends this core commitment for another 20 years, came into effect in 2003. In the first three years of the amended compact, the FSM received \$76 million in assistance for education, health, the environment, capacity building, infrastructure, and private sector development; another \$16 million goes to a trust fund that is overseen by a joint board of U.S. and FSM trustees. Beginning in the fourth year, an annual decrement of \$800,000 from sectoral grants will be reallocated to the trust fund until 2023. For fiscal year 2009, the amount of compact funds for the FSM is \$81.6 million. FSM citizens will continue to enjoy visa-free entry to the United States for health services, education, and employment. The amended compact also demands accountability and transparency in how transferred funds are used and managed, something missing in the initial compact.

Compact funds represent one-third of the FSM's national income; the division of the funds has been a source of serious tension in federal-state relations. In 2003, the people of Faichuk island in Chuuk state threatened to leave the federation and seek a separate bilateral treaty with the United States unless Chuuk received a larger share of the compact funds. Other states followed with similar demands. In response, the federal government agreed to increase the share of compact funds transferred to the four states. Citing poor internal controls and accountability, the United States suspended all compact payments to the state of Kosrae in 2007. Disbursements resumed in 2008 after plans for proper financial and management oversight were put in place. An absence of these plans for the state of Chuuk resulted in a similar suspension of U.S. funds effective August 4, 2008.

A new Congress was elected in March 2007, and Congress in May chose Emanuel Mori of Chuuk and Alik Alik of Kosrae as president and vice president, respectively. In response to U.S. demands for greater transparency and accountability, Mori's government merged executive office funds to create three new offices: the Office of Statistics, Budget, Overseas Development Assistance and Compact Management; the Office of National Archives, Culture and Historical Preservation; and the Office of Environment and Emergency Management Agency. It also created a new Department of Education (separating it from the Department of Health and Social Affairs) and a new Department of Resources and Development.

In August 2008, audits by the Office of the National Public Auditor (ONPA) revealed that public officials had abused government funds for travel throughout 2006 and 2007. ONPA recommended improvements in record keeping and per diem disbursements, as well as finding alternatives to flying large number of civil servants off of the FSM for training purposes.

**Political Rights and Civil Liberties:** The FSM is an electoral democracy. The unicameral, 14-member Congress has one directly elected representative,

servicing four-year terms, from each of the four constituent states, and 10 representatives directly elected for two-year terms from single-member districts. Chuuk state, home to nearly half of the FSM's population, holds the largest number of congressional seats; this has been a source of resentment among the three smaller states. The president and vice president are chosen by Congress from among the four state representatives to serve four-year terms. By informal agreement, the two posts are rotated among the representatives of the four states. Emanuel Mori of Chuuk and Alik L. Alik of Kosrae were chosen as president and vice president, respectively, in the May 11, 2007 elections. Each state has its own constitution, elected legislature, and governor; the state governments have considerable power, particularly in budgetary matters. Traditional leaders and institutions exercise significant influence in society, especially at the village level. There are no formal political parties, but there are no restrictions on their formation.

Official corruption and abuses are widespread and a major source of voter discontent. In a prominent 2007 case, a former ambassador to the United States faced criminal charges for alleged involvement in a fake passport scam; his case was pending at the end of 2008. The FSM was not rated in Transparency International's 2008 Corruption Perceptions Index.

The news media operate freely. Print outlets include government-published newsletters and several small, privately owned weekly and monthly newspapers. Television stations operate in three of the four states. Each state government runs its own radio station, and the Baptist church runs a fifth station. Cable television is available in Pohnpei and Chuuk, and satellite television is increasingly common. Use of the internet is also growing, but low incomes and small populations make it difficult for service providers to expand coverage.

Religious freedom is respected in this mainly Christian country. There are no reports of restrictions on academic freedom, but lack of funds negatively affects the quality of and access to education. Government and society concur on the urgent need to improve education and professional training. When members of the native population are unable or unqualified to fill jobs, foreign workers are hired, causing social tensions.

Freedom of assembly is respected, and citizens are free to organize civic groups. A small number of student and women's organizations are active. No labor unions exist, though there are no laws against their formation. The economy is dependent on fishing, tourism, subsistence agriculture, and U.S. assistance. No specific laws regulate work hours, recognize the right to strike and bargain collectively, or set workplace health and safety standards.

The judiciary is independent, but it lacks funds to improve the functioning of the courts. There is also cultural resistance to using the court system, particularly for sex crimes. In 2006, the police received guidelines and a training workbook for dealing with juvenile offenders and victims as part of the implementation of the UN Convention on the Rights of the Child.

Women enjoy equal rights under the law, including those regarding property ownership and employment. Women generally receive equal pay for equal work and are well represented in the lower and middle ranks of the state and federal governments, although no woman sits in the parliament. In November 2008, a bill was introduced that would designate four seats for women in the national parliament. Social

and economic discrimination against women persists in the male-dominated culture. Domestic violence is common, and cases often go unreported because of family pressure, fear of reprisal, or an expectation of inaction by the authorities. Offenders rarely face trial, and those found guilty usually receive light sentences.

## Moldova

**Population:** 4,100,000

**Capital:** Chisinau

**Political Rights:** 4\*

**Civil Liberties:** 4

**Status:** Partly Free



**Ratings Change:** Moldova's political rights rating declined from 3 to 4 due to signs of serious political bias in budget allocations, new restrictions on access to information, and the apparent politicization of anticorruption investigations.

*Note:* The numerical ratings and status listed above do not reflect conditions in Transnistria, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,4PF	2,4PF	2,4PF	3,4PF	3,4PF	3,4PF	3,4PF	3,4PF	3,4PF	4,4PF

### Overview:

Moldovan president Vladimir Voronin continued his foreign policy shift toward Russia and away from Romania in 2008, seeking Russian agreement on the status of the breakaway Transnistria region. Meanwhile, the Moldovan government used politicized budget allocations and other tactics to undercut support for opposition parties, and the parliament passed legislation that threatened public access to information.

Moldova gained independence from the Soviet Union in 1991, and free and fair elections were held in 1994. The Communist Party of Moldova (PCRM) took power at the head of a majority coalition in 1998 and won a landslide victory in 2001 on the promise of a return to Soviet-era living standards. Vladimir Voronin was elected president by Parliament.

The PCRM took 56 of 101 seats in the 2005 parliamentary elections and built a coalition to obtain the 61 votes needed to reelect Voronin. The only opposition group that did not back him was the Our Moldova Alliance. Election monitors highlighted a number of flaws during the campaign, including police harassment of the opposition, manipulation of the state media, and abuse of state funds by the PCRM.

The PCRM had gained support in part by shifting its policy alignments from Russia toward the European Union (EU); Voronin had stepped up demands for the withdrawal of Russian troops from Moldova's separatist region of Transnistria. Tensions mounted in 2006, as Russia briefly cut off gas supplies amid a pricing dispute and separately banned Moldovan wine and produce imports. Multilateral talks on Transnistria, which had maintained de facto independence since 1992, broke off in February 2006.

In April 2007, it emerged that Voronin had been holding bilateral talks with Russia for more than a year, prompting concerns that he would strike a deal outside of the stalled multilateral negotiations, which included Ukraine and the Organization for Security and Cooperation in Europe (OSCE), with the United States and the EU as observers. In April 2008, Voronin met with Transnistrian president Igor Smimov for the first time since 2001. The following month, he approved a national security strategy that reaffirmed Moldova's formal neutrality, a status that pleased Russia by implicitly ruling out NATO membership. Voronin also declined for a second consecutive year to attend a summit of GUAM—a grouping of Georgia, Ukraine, Azerbaijan, and Moldova that Russia viewed as pro-Western—but Moldova was set to host a summit of the Russian-led Commonwealth of Independent States (CIS) in 2009.

As Voronin appeared to repair ties with Russia, his government's friction with Romania increased. After Romania joined the EU in January 2007, many Moldovans had applied for Romanian citizenship, taking advantage of the fact that much of Moldova had been part of Romania prior to World War II. This trend, coupled with the two countries' nearly identical dominant languages, stoked government concerns that Romania was seeking to undermine Moldovan nationhood.

Vasile Tarlev, the prime minister since 2001, was replaced in March 2008 by Zinaida Greceanii. The cabinet was reorganized as well, though most ministers were retained. The changes came as the PCRM sought to bolster its position ahead of March 2009 elections. Electoral code amendments adopted in April raised the threshold for party representation in Parliament to 6 percent of the vote, from 4 percent, and banned electoral coalitions. Those with dual citizenship were barred from holding office, thus excluding the many Moldovans who held Romanian passports.

Poverty and unemployment rates remain high, and the population is in long-term decline due to large-scale emigration and other factors. Roughly a quarter of Moldovans work abroad, and their remittances accounted for at least 38 percent of gross domestic product in 2007, making the Moldovan economy one of the most remittance-dependent in the world.

**Political Rights and Civil Liberties:** Moldova is an electoral democracy. Voters elect the 101-seat unicameral Parliament by proportional representation for four-year terms. Since 2000, Parliament has elected the president, whose choice for prime minister must then be approved by Parliament. The presidency, held for up to two four-year terms, has taken on significant power under President Vladimir Voronin. In June 2008, the opposition Liberal Democratic Party's signature campaign for a constitutional referendum that would restore direct presidential elections and introduce single-mandate constituencies for half of Parliament was abandoned amid alleged obstruction by the central election commission.

National politics are dominated by the PCRM and its smaller allies. The main opposition group, the Our Moldova Alliance, holds less than a quarter of the seats in Parliament. In the 2007 local elections, international monitors reported media bias, intimidation, and other flaws, but said the balloting was generally well administered and offered a genuine choice to voters. Elections for the legislature of the autonomous, ethnically Turkic Gagauzia region were held in March 2008; both the governor and the assembly speaker chosen in July were PCRM opponents.

Corruption is a major problem in Moldova, and high-profile antigraft prosecutions often appear politicized. There were multiple cases pending against the leader of the Liberal Democratic Party by the end of 2008, but anticorruption officials reported in October that no public servant had ever been fired for missing or faulty income declarations. Access to information remains limited, and legislation adopted in February 2008 barred civil servants other than press officers from speaking to the media. A bill on state secrets that was approved by Parliament in November drew criticism for its broad scope and potential conflicts with the existing access to information law. Separately, an independent study released in March found that the central government's funding allocations overwhelmingly favored the 37 percent of municipalities headed by PCRM mayors while neglecting opposition-held areas, including the capital. Moldova was ranked 109 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Print media present a range of opinions, but they are not widely available in rural areas. The criminal code, along with June 2008 amendments to the Law on Editorial Activity, contains vague provisions banning defamation of the state and the people. Prison sentences for libel were abolished in 2004, but journalists practice self-censorship to avoid crippling fines. Only public broadcasters have national reach, and stations that air critical or opposition views were excluded from a round of frequency distributions in May 2008. Public broadcasters favored the ruling party in the 2007 local elections, and media regulators sometimes reflect the government's tense relations with Romania. At least one Romanian journalist was denied accreditation in apparent violation of the law in 2008, and toward the end of the year, regulators threatened not to renew the license of the Romanian-owned station PRO-TV. Separately, the Moldovan investigative weekly *Ziarul de Garda* received threats in September after publishing an article on the Security and Information Service, and the Russian-language newspaper *Moldavskye Vedomosti* faced a criminal investigation after it reported on the controversial 2007 renationalization of the Soroca granite quarry. Also during 2008, authorities interrogated radio talk-show participants and website commentators whom they accused of making inflammatory remarks. The government generally does not restrict internet access.

Although the constitution guarantees religious freedom, the government has shown its preferences through the selective enforcement of registration rules. A law passed in July 2007 banned "abusive proselytism" and denied legal status to groups with fewer than 100 members. It also acknowledged the "special significance and primary role" of the Orthodox Church; the government has clearly favored the Russian-backed Moldovan Orthodox Church and shown hostility toward the Romanian-backed Bessarabian Orthodox Church. Several Romanian priests were expelled or denied entry at the beginning of 2008.

Moldovan authorities do not restrict academic freedom, but bribery and dismal

salaries in the education system remain problems, and new regulations in 2008 favored school textbooks from government-run publishing houses.

Citizens may participate freely in nongovernmental organizations (NGOs). However, private organizations must register with the state, and some NGOs have complained of bureaucratic obstruction and police harassment. Under legislation passed in February 2008, organizers of demonstrations must give notice but no longer need permits from authorities. Nevertheless, three people were allegedly detained without cause at a March event commemorating the historical union of Bessarabia and Romania. Counterdemonstrators blocked a sexual minorities march in Chisinau in May 2008, and march organizers complained that police took no action to uphold their assembly rights. Authorities exert pressure on unions and their members, and employers are rarely punished for violating union rights.

Although the constitution provides for an independent judiciary, there is evidence of bribery and political influence among judicial and law enforcement officials. Some courts are inefficient and unprofessional, and many rulings are never carried out. Laws passed in 2005 on appointments to the Supreme Court and the Superior Court of Magistrates have had some success in strengthening judicial independence. An April 2008 European Commission report called for better training for judges and prosecutors and reforms to ensure the independence of the general prosecutor's office. Opposition parties cited criminal probes aimed at critics of the 2007 renationalization of the Soroca granite quarry as evidence of the office's politicization. Abuse and ill-treatment in police custody are still widespread, and prison conditions are exceptionally poor.

Members of the Romany community suffer the harshest treatment of the minority groups in Moldova. They face discrimination in housing and employment and are targets of police violence.

Women are underrepresented in public life, though the 21 women elected to Parliament in 2005 marked a substantial increase over previous polls. Zinaida Greceanii, appointed in March 2008, was independent Moldova's first female prime minister. Moldova remains a major source for women and girls trafficked abroad for forced prostitution. The U.S. State Department lowered the country to Tier 3, the worst ranking, in its 2008 Trafficking in Persons Report, citing the government's failure to address trafficking-related corruption. The director of the Interior Ministry's Center for Combating Trafficking in Persons was fired in July, and officials announced that half of the center's 44 employees would also be dismissed. Voronin accused them of involvement in trafficking schemes.

## Monaco

**Population:** 30,000

**Capital:** Monaco

**Political Rights:** 2

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F

### Overview:

Prince Albert II continued his global environmental activism during 2008 by expanding his Monaco Foundation to include a chapter in the United States. Nevertheless, environmentalists criticized the prince's May announcement of plans to expand the principality by extending it out to sea on stilts, citing potential harm to Monaco's ecosystem. Monaco also came under criticism during the year from leading world economies, including the United Kingdom, France, and the United States, due to its ongoing reputation as a tax haven and appearance on the OECD blacklist.

The Grimaldi family has ruled the Principality of Monaco for the past 700 years, except for a period of French occupation from 1793 to 1814. Under a treaty ratified in 1919, France pledged to protect the territorial integrity, sovereignty, and independence of the country in return for a guarantee that Monegasque policy would conform to French political, military, and economic interests.

Prince Rainier III, who ruled from 1949 to until his death in 2005, is often credited with engineering Monaco's impressive economic growth. During his reign, the country ended its dependence on gambling and nurtured other sources of revenue—principally tourism and financial services. In February 2002, Monaco adopted the euro currency despite the fact that it is not a member of the European Union (EU).

Legislative elections in 2003 led to a major upset for the National and Democratic Union (UND), which had dominated Monegasque politics for several decades. The opposition Union for Monaco (UPM) received 58.5 percent of the vote and 21 of the 24 seats in the Conseil National.

Rainier's successor, Prince Albert II, served as patron of the Year of the Dolphin 2007, a campaign by the United Nations and allied organizations that focused on saving dolphins in the wild and raising awareness on their behalf. The prince has made global environmental awareness a priority of his reign and continued the effort in 2008 by expanding his organization, the Monaco Foundation, to include a chapter in the United States.

In May, the prince announced his plans to expand the principality by extending it out to sea on stilts; the principality currently only covers about one square mile.

Environmentalists criticized the plan, however, over concerns that expansion would harm Monaco's marine life.

**Political Rights and Civil Liberties:** Monaco is an electoral democracy. However, the prince, who serves as head of state, has the sole authority to initiate legislation and change the government. The 24 members of the unicameral Conseil National are elected for five-year terms; 16 are chosen through a majority electoral system and 8 by proportional representation.

The head of government, known as the minister of state, is traditionally appointed by the monarch from a list of three candidates, all French nationals, presented by the French government. The current minister of state, Jean-Paul Proust, has held the post since June 2005. The prince also appoints five other ministers (counselors), who make up the cabinet. All legislation and the budget require the assent of the Conseil National, which is currently dominated by the UPM party. The only other party represented is the Rally for Issues and Monaco (REM), which holds three seats.

Because of a lack of available financial information, the country's level of corruption is difficult to measure. Monaco was not ranked by Transparency International in its 2008 Corruption Perceptions Index. Monaco remains on the Organization for Economic Cooperation and Development's (OECD) list of uncooperative tax havens, but since July 2005, it has applied a withholding tax to accounts held by citizens of EU member states. Most of the resulting revenue goes back to the country where the account holder resides. In October 2008, a group of economically strong countries organized through an OECD summit in Washington, DC in November and private meetings among EU leaders to demand greater crackdowns on tax havens such as Monaco.

The media in Monaco are free and independent. The constitution provides for freedom of speech and the press, although the penal code prohibits denunciations of the ruling family. In 2007, a libel and injury case against famed organist Marc Giacone, who had poked fun at the prince and other officials on his website, resulted in a 2,000 euro fine. Internet access is not restricted.

The constitution guarantees freedom of religion. However, Roman Catholicism is the state religion. There are no laws against proselytizing by formally registered religious organizations, but it is strongly discouraged. Academic freedom is not restricted. The country's only institution of higher education, the private University of Monaco, offers degrees in business administration. Monegasque students are eligible to enter French and other postsecondary educational institutions on the basis of specific agreements.

The constitution provides for freedom of assembly, which is generally respected by the authorities. No restrictions are imposed on the formation of civic and human rights groups. While outdoor meetings require police authorization, there have been no reports that the government withheld authorization for political reasons. Workers have the legal right to organize and bargain collectively, although they rarely do so. Only 10 percent of the workforce is unionized. All workers except state employees have the right to strike.

The legal rights to a fair public trial and an independent judiciary are generally respected. The justice system is based on French legal code, and the constitution



requires that the prince delegate his judicial powers to the courts. The prince names the five full members and two judicial assistants to the Supreme Court on the basis of nominations by the Conseil National and other government bodies. Jail facilities generally meet international standards. Once criminal defendants receive definitive sentences, they are transferred to a French prison.

The constitution differentiates between the rights of Monegasque nationals and those of noncitizens. Of the estimated 32,000 residents in the principality, only about 7,000 are actual Monegasques, who alone may participate in the election of the Conseil National. Monegasques also benefit from free education, unemployment assistance, and the ability to hold elective office. As long as they secure a residence permit, noncitizens are free to purchase real estate and open businesses.

A woman can lodge criminal charges against her husband for domestic violence, and women generally receive equal pay for equal work. Although naturalized male citizens can transfer citizenship to their offspring, naturalized female citizens cannot. Women who become naturalized citizens by marriage cannot vote or run as candidates in elections until five years after the marriage. There were no reports of trafficking in persons into, from, or within Monaco during the year.

## Mongolia

**Population:** 2,700,000

**Capital:** Ulaanbaatar

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	2,3F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

Following initial results that showed victory for the Mongolian People's Revolutionary Party (MPRP) in the June 2008 parliamentary elections, several large political demonstrations took place in the capital Ulaanbaatar by those challenging the results. The looting of the MPRP's headquarters and the deaths of several people during the unrest led the government to declare a four-day state of emergency, during which the government arrested and detained hundreds of people and severely curtailed press freedom.

Once the center of Genghis Khan's sprawling empire, Mongolia was ruled by China for two centuries until Soviet-backed forces took control in the early 1920s. A people's republic was proclaimed in 1924, and the Mongolian People's Revolutionary Party (MPRP) established a one-party communist state.

Beginning in 1990, however, Mongolia undertook a relatively rapid transition from Soviet satellite state to democratic republic. In response to persistent antigovernment protests, the ruling MPRP legalized opposition parties. Facing a poorly prepared and underfunded opposition, the MPRP easily won the first multiparty parliamentary elections that year, and won again in 1992. A new constitution in 1992 provided for a president elected by popular vote and a unicameral legislature.

The MPRP was voted out in 1996 after 72 years in office, and power was transferred peacefully to the Democratic Union Coalition (DUC), which consisted of the Democratic Party (DP) and the Social Democratic Party. The DUC sought to implement political and economic reforms, but after an economic downturn the following year, the MPRP regained power with victories in both the 1997 election for the largely ceremonial presidency and the 2000 parliamentary vote.

In June 2004, a new parliament was chosen in elections that were marred by irregularities. A coalition government was formed in September 2004 after the voting gave neither side a majority. Under the compromise deal, former prime minister Tsakhilganiin Elbegdorj of the Motherland Democracy Coalition (MDC)—an alliance between the DP and the Motherland Party—returned to the premiership while Natsagiin Bagabandi of the MPRP carried on as president. The MPRP's Nambaryn Enkhbayar, the parliament speaker and a former prime minister, won the presidential election in May 2005, despite street demonstrations by protesters who accused him of corruption. In January 2006, the MDC-MPRP coalition government broke down, and the MPRP formed a new government with several small parties and defectors from the DP. Miyegombo Enkhbold of the MPRP became prime minister.

Prime Minister Enkhbold resigned on November 8, 2007, following an October 26 vote by the MPRP to remove him as its chairman. Opponents blamed Enkhbold for excessive political favoritism and corruption. On November 22, parliament chose Sanjaa Bayar as the next prime minister, who pledged to eradicate corruption.

Mongolia held parliamentary elections on June 29, 2008. Initial results declared victory for the MPRP, which captured 44 of the 76 seats; the DP won 26 seats. The DP and its supporters, as well as other smaller parties, challenged the results. After heavy television coverage, small-scale political protests escalated into large demonstrations in the capital Ulaanbaatar. The protests led to the looting of the MPRP headquarters, which was later set on fire; nearby buildings suffered similar destruction. Five people died in the unrest and scores of people were severely injured, including police officers; over 700 people were arrested. The government declared a four-day state of emergency on July 2. On July 14, the General Election Committee announced that the MPRP had won 39 seats and the DP 25 seats; it recommended a recount in some contested constituencies. The final tally in August resulted in MPRP winning 46 seats and DP 27 seats. Next parliamentary election is set for 2012.

Mongolia's economy has been growing due to its extensive mineral deposits and a rapidly expanding tourism industry. Nevertheless, the country continues to struggle with high unemployment and rampant poverty stemming in part from ineffective market reforms in the 1990s. In October 2007, President Enkhbayar visited U.S. president George W. Bush in Washington and signed a Millennium Challenge Compact that committed US\$285 million in aid; the bulk of the aid (US\$ 188.3 million) is for rail projects. According to the Millennium Challenge Corporation (MCC), Mongolia scored well above the median (median is 50 percent) in the three catego-

ries used to determine country eligibility for MCC assistance: ruling justly, investing in people, and economic freedom. Real GDP growth estimate for 2008 was 8.9 percent, and inflation reached 28 percent.

### **Political Rights and Civil Liberties:**

Mongolia is an electoral democracy. The most recent parliamentary elections in 2008 were generally considered free and fair by international election observers, although election rules are not firmly established. While the 1992 constitution created a hybrid presidential-parliamentary system, parliamentary balloting has been conducted under different electoral arrangements, varying between multimember and single-member districts. There is concern that these frequent changes make it difficult to stabilize the expectations of political elites or enhance popular confidence in democratic government. The prime minister, who holds most executive powers, is nominated by the party or coalition with the most seats in the 76-member parliament (the State Great Hural) and approved by the parliament with the agreement of the president. There is no requirement that the prime minister be an elected member of parliament. The president can veto legislation, subject to a two-thirds parliamentary override. Both the president and the parliament are directly elected for four-year terms. The MPRP continues to be the most powerful party, but a number of smaller opposition groups, including the DP, are competitive.

Corruption is a problem in Mongolia. The U.S. State and Commerce departments both have identified "corruption in the bureaucracy" as one of the obstacles affecting economic and political development. Transparency International ranked Mongolia 102 out of 180 countries surveyed in its 2008 Corruption Perceptions Index.

While the government generally respects freedom of speech and of the press, it monitors all media for compliance with content restrictions on violence, pornography, and alcohol, as well as with tax laws. Many journalists and independent publications practice a degree of self-censorship to avoid legal action for violations of the State Secrets Law or libel laws that place the burden of proof on the defendant. The government has at times filed libel suits or launched tax audits against publications or journalists in the wake of critical articles. Mongolia's press freedom suffered a setback following the riots in the wake of the June 2008 parliamentary election; several journalists were injured, and all television stations except state television were forced to stop broadcasting.

Mongolia has been slow to implement a 1999 law requiring the transformation of state broadcasters into public corporations. Independent print outlets are common and popular in cities, but the main source of news in the vast countryside is the state-owned Radio Mongolia. Currently, there are more than 30 newspapers, over 120 radio stations, and 68 television stations. Content from foreign sources such as the British Broadcasting Corporation (BBC) and the Voice of America are available. In the capital, foreign television programming via cable and commercial satellite systems are also accessible. The government does not interfere with internet access.

Freedom of religion is guaranteed by the constitution. The fall of communism led to a growth in Mormonism, Russian Orthodoxy, and other Christian sects, as well as a revival of Mongolia's traditional religions—Buddhism and a native shamanism. The Kazakh Muslim minority, whose population of some 100,000 is concentrated in the western part of the country, generally enjoys freedom of religion. How-

ever, the government monitors the Kazakh community closely for potential political separatism and has not allowed it to construct a mosque in Ulaanbaatar. Academic freedom is respected. Mongolian professors and other teachers generally can write and lecture without interference, and access to higher education is relatively free of discrimination.

Freedoms of assembly and association are observed both in law and in practice. A number of environmental, human rights, and social welfare groups, while largely reliant on foreign donors, operate without government restriction. Trade unions are independent and active, though the government's downsizing or sale of many state factories has contributed to a sharp drop in union membership. Collective bargaining is legal, but in Mongolia's poor economy, employers enjoy considerable power and often set wages unilaterally. The government prohibits strikes in the utilities, transportation, and law enforcement sectors.

The judiciary is independent, but corruption among judges persists. Although the constitution prohibits unlawful arrest and detention, the police force has been known to make arbitrary arrests, hold detainees for long periods of time, and beat prisoners. According to the U.S. State Department, P. Ganbayar, a famous wrestler, died in March 2008 while in police custody. Ten police officers were arrested and charged with premeditated murder for the deaths of five people during riots following the June 2008 parliamentary elections. In recent years, prisons have been outfitted with video-monitoring systems, decreasing the incidence of beatings by guards. Nevertheless, deaths in prisons continue to be reported, due largely to disease—often tuberculosis—exacerbated by poor conditions like insufficient food, heat, and medical care.

The country's National Commission on Human Rights (NCHR) consists of three senior civil servants nominated by the president, the Supreme Court, and the parliament for terms of six years. The NCHR has criticized the government for police abuses, poor prison conditions, lengthy detentions without trial, and other failures to implement laws related to human rights.

Mongolia has what the United Nations terms a "reverse gender gap," as women now make up 60 percent of all students at Mongolian universities. However, the phenomenon has not carried over into politics—only five parliamentary seats are occupied by women. Domestic violence has been a serious concern in Mongolia. A 2005 law prohibited spousal abuse, which was broadly defined, and there have been dozens of convictions in recent years. However, social and cultural norms continue to discourage victims from reporting such crimes.

## Montenegro

**Population:** 600,000  
**Capital:** Podgorica

**Political Rights:** 3  
**Civil Liberties:** 3  
**Status:** Partly Free



*Note:* The ratings through 2002 are for the Federal Republic of Yugoslavia, of which Montenegro was a part, and those from 2003 through 2005 are for the State Union of Serbia and Montenegro.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	4,4PF	3,3PF	3,2F	3,2F	3,2F	3,2F	3,3PF	3,3PF	3,3PF

### Overview:

Presidential elections in April were deemed free and fair by international observers. Also that month, longtime Montenegrin leader Milo Djukanovic, who held either the presidency or the premiership from 1991 to 2006, again assumed the office of prime minister. Ethnic tensions increased in October after the government formally recognized the independence of neighboring Kosovo.

Montenegro was first recognized as an independent state in 1878. In 1918, Montenegrin legislators voted to join the newly formed Kingdom of Serbs, Croats, and Slovenes, which after World War II became the Socialist Federal Republic of Yugoslavia. As that state collapsed in the early 1990s, Montenegro in 1992 voted to maintain its ties to Serbia as part of the truncated Federal Republic of Yugoslavia, dominated by Serbian leader Slobodan Milosevic. In 1997, however, a group of former Milosevic cohorts in Montenegro, led by then prime minister Milo Djukanovic, decided to break with Milosevic and set Montenegro on a slow course toward independence.

Milosevic's ouster in 2000 did not improve relations between Montenegro and its larger federal partner. In 2002, under pressure from the European Union (EU), the two republics signed an agreement that loosened their bond, and in 2003, federal Yugoslavia was formally replaced by the State Union of Serbia and Montenegro. The large disparities between the two republics—Montenegro was only one-tenth the size of Serbia in population and accounted for a negligible part of the overall economy, but it enjoyed parity representation in most state institutions—seemed to doom the state union from the start.

Djukanovic, who had served as either president or prime minister since 1991, left the presidency to reclaim the premiership in 2002. Although Djukanovic's close ally Filip Vujanovic was selected to replace him as president, two elections in 2002 failed to achieve the required voter turnout. After the law was amended to eliminate the 50 percent turnout rule, Vujanovic was finally elected in 2003 with a 48 percent turnout.

The state union agreement allowed either Serbia or Montenegro to hold an independence referendum after three years, and Djukanovic chose to exercise this right in May 2006. Under the terms of an EU-brokered deal, the measure needed the support of 55 percent of participating voters to pass. It ultimately did so by a margin of some 2,000 votes, amid a heavy voter turnout of 86 percent. Religious and ethnic minorities tended to back independence, along with the portion of the Orthodox Christian population that considered itself Montenegrin rather than Serb. The results were received without violence, and the country formally declared independence in June. In parliamentary elections in September 2006, voters confirmed their support for the ruling proindependence coalition. Djukanovic retired from the premiership in October, but he returned to the office in April 2008. Some observers speculated that Djukanovic had tried but failed to maintain control over the country from behind the scenes. Also in April, Vujanovic won a second five-year term as president.

Independence and national identity remained divisive issues, and a 2007 investigation stoked suspicions of vote manipulation by Djukanovic's Democratic Party of Socialists (DPS). Several police officers reported being pressured by the DPS to solicit votes in favor of independence and for the government in the parliamentary elections. The government drew additional criticism from pro-Serbian factions in October 2008, when it officially recognized Kosovo's independence.

Montenegro has pursued membership in the EU and NATO. In 2006, it joined NATO's Partnership for Peace program, and in 2007, it signed a Stability and Association Agreement with the EU, considered the first step toward accession. Meanwhile, heavy Russian investment has generated major controversy within Montenegro. Some accounts suggest that as much as \$13 billion in Russian capital has entered the tiny country since the 1990s. Nevertheless, corruption, high levels of foreign debt, and large fiscal and current account deficits continue to hobble the economy.

### Political Rights and Civil Liberties:

Montenegro is an electoral democracy. International observers reported that the independence referendum, the 2006 parliamentary elections, and the 2008 presidential election were conducted freely and fairly, though with minor irregularities. Members of the unicameral, 81-seat Assembly (Skupstina) are elected for four-year terms. The president, directly elected for up to two five-year terms, nominates the prime minister, who must be approved by the legislature. The Assembly has been criticized for essentially rubber-stamping most of the government's decisions. From January to July 2008, it convened in plenary sessions on only 19 days, 15 of which were devoted to protocol obligations.

Numerous political parties compete for power, though the opposition remains relatively weak and divided. The long-ruling proindependence coalition consists of Milo Djukanovic's DPS and the Social Democratic Party (SDP), led by parliamentary speaker Ranko Krivokapic. The pair took a combined 41 seats in the 2006 elections. Two alliances of pro-Serbian parties captured a combined 23 seats, and a handful of additional seats went to parties catering to the ethnic Albanian and Bosniak (Muslim Slav) minorities. A former nongovernmental organization (NGO) called the Movement for Change (PzP) also plays a prominent role as a political party, having captured 11 seats.

Corruption in Montenegro, according to the EU, is "a widespread and particularly serious problem," although some progress in the fight against organized crime was reported in 2008. The corruption problem is partly a legacy of the struggle against the Milosevic regime in the 1990s, when the state turned to various forms of smuggling to finance government operations. Djukanovic has frequently been accused of involvement in cigarette smuggling, and a number of Montenegrin officials and businesspeople have been indicted in Italy for their involvement in these activities. In October 2008, Djukanovic avoided indictment by an Italian court, allegedly because he enjoyed diplomatic immunity. The current law on conflict of interest is seen as having too many loopholes. Montenegro was ranked 85 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is generally respected, but journalists who criticize the government have been attacked on a number of occasions, and the 2004 assassination of a prominent opposition newspaper publisher has not been solved. In May 2008, a reporter investigating organized crime and sports betting was severely beaten. A law passed without public debate by the parliament in July transferred more authority over the allocation of broadcasting frequencies from an independent agency to a government-appointed body. For much of 2008, opposition parties boycotted parliament to demand more television coverage of parliamentary proceedings. Belgrade-based publications remain popular with many segments of the population. Criminal libel is not punishable by imprisonment, but the threat of fines forces journalists to engage in self-censorship. Access to the internet has not been restricted.

The constitution guarantees freedom of religious belief. The canonically recognized Serbian Orthodox Church and a self-proclaimed Montenegrin Orthodox Church have repeatedly clashed over ownership of church property and other issues. In September 2008, 65 people were arrested during a protest against the latter group. According to a November public opinion poll, the Serbian Orthodox Church is the most trusted institution in the country.

Although academic freedom is guaranteed by law, a group of professors in the city of Niksic were dismissed in 2005 for refusing to teach language courses named "mother tongue" in place of what had been called Serbian.

Citizens enjoy freedoms of association and assembly. Foreign and domestic NGOs are able to pursue their activities without state interference. A large number of Montenegro's workers—95 percent of all employees in the formal economy—belong to unions, and the right of workers to strike is generally protected. Collective bargaining, however, is still considered to be at a rudimentary level. The country has strict protections against employee dismissal and generous worker benefits, but these are thought to limit efficiency and encourage informality in the economy. Labor organizations were involved in the drafting of the Labor Law adopted in July 2008.

The judicial system lacks independence from political authorities, and judicial corruption remains a significant problem. A 2008 EU progress report questioned the way in which the professional capacity and integrity of judges is determined. While officials have made some progress in reducing a large backlog in cases, there are still a large number pending, and trials generally take excessive amounts of time to complete. Despite efforts to improve prison conditions, most facilities are antiquated, overcrowded, and often unhygienic.

Ethnic minorities have their own political parties and associations, and media in

their own languages. However, ethnic Albanians, who make up roughly 7 percent of the population, claim that they are underrepresented in the civil service, particularly in the police and the judiciary. They have also sought proportional representation in government and greater autonomy at the municipal level. Since the 2006 independence vote, Albanian and Muslim minorities have alleged that the government renege on pre-referendum promises to provide them with various government and diplomatic posts.

Although women are legally entitled to equal pay for equal work, traditional patriarchal attitudes often limit women's roles in the economy. The gender gap in pay has widened in recent years to 19 percent. Although domestic violence is punishable by law, sexual harassment is not. In general, women are underrepresented in higher levels of government. Only 14.6 percent of the candidates in the 2006 parliamentary elections were women, and 9 of the 81 members of parliament are women. Police and government officials have shown little interest in investigating cases of human trafficking, which remains a serious problem in Montenegro, as it is throughout the region. A total of just three cases were investigated in 2006 and 2007.

## Morocco

**Population:** 31,200,000

**Capital:** Rabat

**Political Rights:** 5

**Civil Liberties:** 4

**Status:** Partly Free



*Note:* The numerical ratings and status listed above do not reflect conditions in Western Sahara, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,4PF	5,4PF	5,5PF	5,5PF	5,5PF	5,4PF	5,4PF	5,4PF	5,4PF	5,4PF

### Overview:

During 2008, Morocco continued *to* struggle to institutionalize reforms to advance democracy and human rights.

Despite the government's establishment of the Equity and Reconciliation Commission in 2004 to address past government abuses, authorities have since proven intolerant of public discussion of current abuses. Demonstrations in late May and early June against unemployment in the southern port city of Sidi Ifni were forcibly disbursed, and local human rights groups alleged that security forces committed abuses. The government continued to crack down on the press during the year, with critical journalists subject to harassment, fines, and even imprisonment.



Morocco gained independence in 1956 after more than four decades of French rule. The first ruler after independence, King Mohamed V, reigned until his death in 1961. His son, the autocratic Hassan II, then ruled the country until 1999. Thousands of his political opponents were killed, tortured, arrested, or disappeared. This repression was particularly acute in the years following two failed coup attempts in 1971 and 1972. In 1975, Morocco and Mauritania occupied Western Sahara; after three years of guerrilla warfare against the Algerian backed Polisario Front, Mauritania pulled out of the territory, which was then annexed by Morocco. A planned referendum on Western Sahara's future—attached to a UN-monitored ceasefire agreement in 1991—never took place. In the last few years of his life, Hassan made moves aimed at opening up Morocco politically. Several political prisoners were released, independent newspapers began publishing, and a new bicameral parliament was established in 1997.

King Mohamed VI inherited the throne at age 35. Although human rights and civil society activists, as well opposition leaders, had high hopes that the young king would expand the small measure of political freedom that his father had offered, little significant change transpired for the first few years of his reign. Morocco was struggling economically, and the king feared the increased influence of Islamist-oriented political parties.

Mohamed did impress some critics by removing Interior Minister Driss Basri from his position, which he had held for two decades. Basri, a close confidante of King Hassan, had been identified as one of the leaders in repressing the king's opponents. He left Morocco after his dismissal, while exiled dissidents were permitted to return.

Parliamentary elections held in 2002 were recognized as generally open. Over a dozen political parties participated, though independent journalists and other critics of the king were harassed and detained.

In May 2003, local Islamist militants with links to al-Qaeda rocked Casablanca with a series of suicide bombings that targeted symbols of Morocco's Jewish community. The victims were mostly civilians, and the government's response was immediate and harsh. An antiterrorism law was passed, but it has since been used to prosecute nonviolent opponents of the king. Local and international human rights groups charged that the authorities were using the opportunity of the attacks to pursue vocal government critics.

In January 2004, King Mohamed took a dramatic, unprecedented step when he inaugurated the Equity and Reconciliation Commission (IER). As the first equity commission in the Arab world, it was tasked with addressing the human rights abuses perpetrated against Moroccan citizens by the authorities from 1956 to 1999 and providing the victims with reparations. The commission held public hearings in which victims were given an opportunity to speak about the abuse they suffered. The IER was headed by Driss Benzekri, who had spent 17 years as a political prisoner. In January 2006, the commission submitted its final report to the king, which included a series of recommendations for legal and institutional reforms designed to prevent a repetition of past abuses. Some critics of the IER have complained that even though victims have been given a chance to publicize their suffering and receive compensation, the perpetrators are not being held to account for their actions. Critics also claim that in the two years since the IER's final report was published, few structural

changes have been made, and human rights abuses still occur on a regular basis, albeit on a lower scale. The government has furthermore been intolerant of discussion of these past abuses; in June 2008, a court in Rabat ordered the private daily *Al-Jarida al-Oula* to stop publishing testimony given at the IER.

In September 2007, Moroccans went to the polls to elect the Chamber of Representatives, the lower house of Parliament. The voting drew the lowest turnout in Moroccan history, at 37 percent. The Socialist Union of People's Forces (USFP), previously the lead party in the ruling coalition, lost nearly a quarter of its seats, leaving it with 38. Its chief ally, the conservative Independence Party (Istiqlal), won a plurality of 52 seats. Opposition parties, which had criticized the elections' fairness, gained fewer seats than expected; the largest, the Islamist Justice and Development Party (PJD), placed second with 46 seats. Istiqlal leader Abbas El-Fassi was appointed prime minister.

From all indications, it seems doubtful that authorities plan to make significant institutional reform. In 2008, the government continued to harass critics, including journalists and activists.

### Political Rights and Civil Liberties:

Morocco is not an electoral democracy. Most power is still held by the king and his close advisers. The monarch can dissolve Parliament, rule by decree, and dismiss or appoint cabinet members. He sets national and foreign policy, commands the armed forces, and presides over the judicial system. One of the king's constitutional titles is "commander of the faithful," giving his authority a religious dimension.

The 1996 constitution reintroduced a bicameral legislature, which had existed briefly after independence but was replaced by a single chamber for the next four decades. The lower house, the Chamber of Representatives, has 325 directly elected members who serve for five-year terms. Members of the 270-seat upper house, the Chamber of Counselors, are chosen by an electoral college to serve nine-year terms.

Given the concentration of power in the monarchy, opposition parties and even the cabinet are generally unable to assert themselves. The most vocal opposition party that remains respectful of the monarchy is the Justice and Development Party (PJD.) The most popular nonlegal opposition movement is the Justice and Charity Movement headed by Nadia Yassine, the daughter of the founder of the movement, Abdesslam Yassine. Other, more overtly nonviolent Islamist groups that criticize the monarchical system are harassed by authorities and not permitted to participate in the political process.

Despite the government's promises to address corruption, it remains a serious problem. People with close ties to the monarchy receive preferential treatment in business and other matters. Morocco was ranked 80 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Morocco's journalists have boldly reported on taboo subjects over the years, but the state has responded harshly to journalists who are too critical of the king, his family, or Islam, leading to self-censorship. In addition to a restrictive press law, the government employs an array of economic and other, more subtle mechanisms to punish independent and opposition journalists. After years of promises about a new, liberal press law, the king proposed a draft in 2007 that contained many of the punitive provisions of the old press code; it still had not been adopted by the end of 2008.

The government continued to harass critical journalists throughout 2008, continuing the trend set in 2007. In February 2008, the Supreme Court upheld an August 2007 eight-month prison sentence against journalist Mustafa Hormatallah of the independent weekly *Al-Watan Al An*. Hormatallah and his editor had been found guilty in 2007 of possessing classified documents following the paper's publication of government documents concerning terrorist threats against the state; Hormatallah was finally released in late July 2008 after serving his sentence. A court in July also found Al-Jazeera bureau chief Hassan Rachidi guilty of publishing false news, following the station's reporting of social unrest in the southern coastal city of Sidi Ifni; Rachidi had his press credentials withdrawn and was fined nearly \$6,000. Separately, an appeals court in October upheld a lower court's decision against Rachid Niny, the managing editor of the daily *Al-Massae*; the lower court had ordered him to pay approximately \$700,000 in damages and fines for allegedly defaming four deputy prosecutors.

Nearly all Moroccans are Muslims, but the small Jewish community is permitted to practice its faith without government interference. Some Moroccan Jews have achieved prominent positions in society. While university campuses generally provide a space for open discussion, professors practice self-censorship when dealing with sensitive topics like Western Sahara, the monarchy, and Islam.

Civil society and independent nongovernmental organizations are quite active in Morocco, and the government rarely interferes in their day-to-day work. The authorities do monitor Islamist groups and arrest suspected extremists. Freedom of assembly is not well respected, and protests in Western Sahara especially have been controlled through violence and threats. In late May and early June 2008, demonstrations against the high level of unemployment in the southern port city of Sidi Ifni were forcibly disbursed; local human rights groups reported that security forces arrested over one hundred protestors and were responsible for abuses and sexual violence. Following the protests, authorities detained and tried Brahim Sab'alil of the Moroccan Center for Human Rights after he presented documentation allegedly proving that security forces had committed abuses against the demonstrators. Sab'alil was found guilty of insulting public authorities and publishing false information and was released from prison in late December 2008 after serving a six-month jail term.

Moroccan workers are permitted to form and join independent trade unions, but as the Sidi Ifni protests illustrate, authorities are wary of impromptu labor activity that is also harshly critical of the government. According to the 2004 labor law, the government has only a limited ability to intervene in strikes. The law also prevents business owners from punishing workers who join and establish unions. However, child laborers, especially girls working as domestic helpers, are denied basic rights.

The judiciary is not independent. Courts rarely make decisions that violate official policy. The courts are also subject to government pressure and have been used as a weapon to punish government critics. Under the recommendations that accompanied the Equity and Reconciliation Commission's final report in 2006, the authorities were supposed to institute a series of legal and institutional reforms to prevent repetition of past human rights abuses. While the report and the overall work of the commission were bold, substantive changes have been slow in implementation, and

some critics allege that the situation is unlikely to improve. Arbitrary arrest and torture still occur, but they are less common than under the previous king. The security forces are given greater leeway for abuse with detainees from Western Sahara.

The small Jewish community is well integrated into Moroccan society. Many Moroccans have a mixed Arab-Berber ancestry, and the government has officially recognized the language and culture of the Berbers.

Moroccan authorities have a more progressive view on the issue of gender equality than leaders in many Arab countries. Numerous laws assert women's rights. The 2004 family code has been lauded for granting women increased rights in the areas of marriage and child custody. However, women still face a great deal of discrimination at the societal level.

## Mozambique

**Population:** 20,400,000

**Capital:** Maputo

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	3,4PF	3,4PF	3,4PF	3,4PF	3,4PF	3,4PF	3,4PF	3,3PF	3,3PF

### Overview:

The ruling Front for the Liberation of Mozambique (FRELIMO) performed well in November 2008 municipal elections, while the opposition Mozambique National Resistance (RENAMO) lost all but one of its remaining municipalities. Separately, judicial reforms succeeded in streamlining the process for filing cases and reducing the number of people in pretrial detention. In another positive step during the year, lawmakers unanimously passed a measure prohibiting human trafficking.

Mozambique achieved independence in 1975, after a coup in Portugal led to the release of that country's colonies. The Front for the Liberation of Mozambique (FRELIMO), a guerrilla group that had long fought to oust the Portuguese, was subsequently installed as the sole legal political party; its leader, Samora Machel, became president. Independence was followed by a 16-year civil war that pitted the Soviet-allied FRELIMO against the Mozambique National Resistance (RENAMO)—supported first by Rhodesia (Zimbabwe) and later by South Africa. In 1986, Machel died in a plane crash, and Joachim Chissano, a political moderate, succeeded him as leader of FRELIMO and president of Mozambique. A peace accord was signed in 1992, with RENAMO agreeing to lay down arms and operate as a political party in a multiparty democratic system. Despite fraud allegations and a brief boycott by

RENAMO, the international community deemed the ensuing 1994 elections—in which Chissano won reelection as president and FRELIMO secured a narrow majority in the legislature—a resounding success.

Chissano and FRELIMO were again reelected in 1999, despite a strong showing by the opposition. The results were deemed credible by the international community, though there were logistical and administrative difficulties. RENAMO again alleged fraud and at one point threatened to form its own government in the six northern and central provinces it controlled.

The 2004 elections featured a noticeable decline in voter turnout—to 36 percent—and victory for FRELIMO and its new leader, Armando Guebuza. A political hard-liner named to succeed the term-limited Chissano, Guebuza secured 63.7 percent of the presidential vote after pledging to tackle corruption, crime, and poverty. The National Electoral Commission (CNE) admitted that 1,400 vote-summary sheets favoring RENAMO had been stolen, accounting for 5 percent of the total. The commission transferred a parliamentary seat from FRELIMO to RENAMO as compensation, and the Constitutional Court called for independent observers to monitor the final stage of the vote count in future elections.

The country's first provincial assembly elections were originally scheduled to take place no later than January 2008, but logistical delays forced both parties to agree to amend the constitution and postpone the elections to a more feasible date, likely in 2009. However, Mozambique did hold municipal elections in November 2008. Only 1.3 million of 2.8 million registered voters turned out, which analysts saw as a sign of growing disillusionment with the electoral process and resignation to the permanence of FRELIMO's power. RENAMO appeared disorganized in the run-up to the vote. Party leader Afonso Dhlakama, apparently fearing internal competition for his post, expelled Daviz Simango, the popular mayor of Beira, from the party. Simango nevertheless won reelection as an independent, and RENAMO lost four of the five municipalities it had previously controlled.

Mozambique boasts one of Africa's best-performing economies. In June 2008, the country's principal international donors promised an additional \$774 million in aid for 2009. However, Sweden and Switzerland decided to retract some of their financial support, arguing that the Guebuza government had failed to make any meaningful progress on corruption.

**Political Rights and Civil Liberties:** Mozambique is an electoral democracy. The most recent presidential and legislative elections, despite some serious irregularities, generally reflected the will of the people. The president, who is elected to a five-year term, appoints the prime minister. The unicameral Assembly of the Republic, whose 250 members are also elected to five-year terms, is overshadowed by the executive branch. In 2006, the requirement that a party win 5 percent of the national vote to gain representation in the parliament was abolished. Officials in the provincial assemblies have historically been appointed by the central government, but a 2006 constitutional amendment mandated provincial elections; they were initially scheduled for 2008 but have been postponed until 2009.

Relations between the ruling FRELIMO party and the opposition RENAMO have become increasingly acrimonious since 2004, when President Armando Guebuza

was elected. A FRELIMO stalwart, Guebuza has sought to revive the traditional hegemony of his party, which took 160 seats—compared with 90 for RENAMO—in the last parliamentary elections. RENAMO's chances have been diminished by the efforts of its leader, Alphonse Dhlakama, to suppress talented young politicians who could threaten his authority.

Corruption in government is pervasive. Guebuza has ostensibly made anticorruption efforts a top priority, and journalists and civic groups have reported a noticeable increase in government attention to the daily activities of civil servants. In June 2008, a Labor Ministry investigation revealed that officials in the country's social security agency had stolen between \$8 million and \$10 million. Separately, former interior minister Almerino Manhenje faced an investigation for alleged misuse of ministry funds. Nonetheless, international donors have begun to criticize the effectiveness of Guebuza's anticorruption policies. The government in 2008 approved a draft bill giving the public the right to access information held by public authorities, but it had not been enacted at year's end. Transparency International ranked Mozambique 126 out of 180 countries surveyed in its 2008 Corruption Perceptions Index.

The constitution provides for press freedom, but the state controls nearly all broadcast media and owns or influences the largest newspapers. However, *O Pais*, a successful independent weekly newspaper, started publishing on a daily basis in 2008. Criminal libel laws promote self-censorship, and only a fraction of the population has access to the internet.

Investigative reporting suffered greatly in the years following the 2000 murder of eminent investigative journalist Carlos Cardoso and the government's subsequent decision to protect the primary suspect, former president Joachim Chissano's son, Nyimpine Chissano. The authorities finally began investigating Chissano in 2006, but he died in 2007; meanwhile, the Supreme Court upheld lengthy prison sentences for the six men convicted of carrying out the assassination, and since then the situation for reporters appears to have improved.

The constitution provides for freedom of religion, and political parties are forbidden from being associated with religious institutions. In 2007, three mosques were burned in a matter of weeks in northern Mozambique, where the Muslim population is concentrated. However, the incidents were believed to be the work of a vandal and not symptomatic of religious tensions.

Academic freedom is generally respected. Although the government invested extensively in the school network during 2008, including teacher training, the education minister announced that the country had been unable to provide enough teachers to staff the 722 new schools that were opened in 2007. Instead of the 12,000 teachers needed for 2009, only 6,902 were set to graduate from the training program in 2008.

Freedom of assembly, though broadly guaranteed, is limited by notification and timing restrictions. In 2001, the law on public demonstrations was amended to reduce some of these restrictions and make it harder for police to legitimately use force to break up a demonstration. In February 2008, demonstrations over a recent mass-transit fare increase, which had been tied to a rise in fuel costs, degenerated into riots, killing four people and injuring more than 250. In March, more than 1,000 Mozambicans marched peacefully to the South African embassy to protest recent

violence against foreigners in South Africa that had forced more than 40,000 Mozambicans to flee the country and left a dozen Mozambicans dead.

Nongovernmental organizations (NGOs) operate openly but must register with the government. In 2008, the government expressed concern at the lack of coordination among the more than 60 local and international development organizations operating in Mozambique. Officials accused some international NGOs of failing to communicate with local leaders, causing problems when immediate disaster relief is necessary, including during seasonal floods and cyclones. The authorities suspended one organization, Oxfam-UK, from conducting relief operations after it launched an international aid appeal against the wishes of the Mozambican government.

The Organization of Mozambican Workers, the major trade union confederation, is nominally independent and has been critical of the government's market-based reforms. A 2007 labor law made it easier for employers to hire foreign workers, among other provisions. Labor unions particularly objected to the law's rules for short-term contracts, which they said would reduce job security.

The judicial system has improved since the end of one-party rule in 1994, but judicial independence is still elusive. Corruption continues to be endemic in the judicial system, and the country faces a dire shortage of judges. Former justice minister, Esperanca Machavela, before being dismissed by Guebuza in March 2008, streamlined judicial operations that had previously been divided between the justice and interior ministries. She managed to reduce the backlog of cases, speeding up trial and sentencing procedures and significantly reducing the number of individuals held improperly in pretrial detention. An independent 2008 study conducted by the country's preeminent human rights organization, the Mozambican Human Rights League, found that the number of suspects who remained in prison illegally past their preventive detention deadline (usually a maximum of 48 hours for most crimes) had dropped from 219 in 2007 to just 4 in 2008 in the south of the country. Improvements, though less dramatic, were also seen in the north and central regions where the numbers of suspects in illegal pretrial detention fell from 119 to 40 and from 61 to 15, respectively. The study also found that while the treatment of inmates had improved and there was no evidence of torture in prisons, living conditions are still abysmal and most cells are overcrowded.

Human rights abuses by security forces—including extrajudicial killings, torture of suspects, and arbitrary detention—remain serious problems despite pay increases and human rights training. Public dissatisfaction with the police has led to a rise in vigilante groups. A 2007 Amnesty International study found that there had been an increase in the number of extrajudicial killings of suspected criminals by police, and that few of the cases were ever investigated or followed up with prosecution of accused officers. Nonetheless, the lack of torture in prisons—a result of an improvement in prison-guard training—serves as a potential model for similar improvements among the police.

Women serving in elected office are particularly rare; in the 2008 municipal elections, only three of the eight women who ran for office were successful. A 2004 Family Law revision advanced women's rights in the legal system, partly by ending the husband's formal status as head of the household. Rape is illegal, but spousal rape is not covered.

While the government has made children's welfare a priority, child prostitution

remains legal except when parents are instrumental in the practice. In addition, human trafficking, particularly of children from Mozambique to South Africa, is a serious concern. Save the Children-United Kingdom reported in March 2008 that there had been 52 cases of trafficking of young women or children since the beginning of the year, an increase over 2007. However, in April 2008, the government unanimously passed a law providing for the prosecution of traffickers, the protection of victims, and the prevention of future trafficking. There had been no prosecutions under the law by year's end.

## Namibia

**Population:** 2,000,000

**Capital:** Windhoek

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



**Trend Arrow:** Namibia received a downward trend arrow due to the ruling party's harassment and intimidation of the Rally for Democratic Progress, a new opposition party, including the disruption of the group's meetings and rallies.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,2F	2,2F	2,2F	2,2F

**Overview:** The arrival on the political scene in 2007 of the opposition Rally for Democratic Progress (RDP) continued to generate tensions and warning signs for Namibia's democracy throughout 2008. Intimidation and violence against RDP members by loyalists of the ruling South West Africa People's Organization (SWAPO) took place in the lead-up to local elections, and the opposition also raised concerns about electoral manipulation. Freedom of assembly was also threatened by the disruption of RDP rallies by SWAPO activists. Meanwhile, divisions within SWAPO remained prominent, as the SWAPO Party Youth League increasingly flexed its muscles by challenging party leaders and government officials.

Namibia, formerly known as South West Africa, was claimed by German imperial forces in the late 19th century, and became a South African protectorate after World War 1. In 1966, South Africa's mandate was revoked by the United Nations, and the South West Africa People's Organization (SWAPO) began a guerrilla campaign for independence. After years of war, a UN-supervised transition led to independence for Namibia in 1990, and SWAPO leader Sam Nujoma was chosen as president. The previous year, SWAPO had won 57 percent of the ballots in a free and fair



vote for the Constituent Assembly, which became the National Assembly after independence.

Secessionist fighting in Namibia's Caprivi region flared in October 1998 and continued into 1999. The violence led some 2,400 refugees to flee to neighboring Botswana. A mass trial of 120 defendants involved in the rebellion opened in 2003 and was ongoing at the end of 2008. Another 12 alleged Caprivi secessionists were tried independently; in 2007, 2 were acquitted, and 10 were sentenced to 32 years in prison for treason.

Nujoma and SWAPO retained control of the presidency and legislature in the 1994 and 1999 elections, and in 2004, Nujoma's imminent departure after three terms in office set off a bitter succession contest within the ruling party. Nujoma successfully backed his longtime ally, Hifikepunye Pohamba, and began an effort to remove opponents from key positions. Pohamba captured the presidency with 76 percent of the vote in November, and SWAPO maintained its legislative majority, taking 55 of the 72 National Assembly seats. Despite criticizing the vote tabulation system and the opposition's unequal access to media and campaign resources, observer missions deemed the elections free and fair.

As president, Pohamba's central political challenge has been divisions within SWAPO. In 2007, these divisions manifested themselves in the emergence of a break-away party, the Rally for Democratic Progress (RDP), headed by several former prominent party members. The party gained little traction over 2008 however, and SWAPO stalwarts undertook an aggressive effort to stunt the party's growth and success, sometimes using intimidation and threats. One leading SWAPO figure even allegedly suggested that the government should only supply water and business contracts to those loyal to SWAPO.

More generally, hard-line elements within SWAPO, most notably the SWAPO Party Youth League (SPYL), have become increasingly prominent and outspoken. Reflecting the ongoing influence of Sam Nujoma in the party, many of these elements remain tied to the former president and rallied to him when he criticized President Pohamba in September 2008. Such elements also called for the resignations of some senior leaders, accusing them of corruption. Government policies have also been openly criticized by the pro-Nujoma faction, most notably elements of a proposed \$305 million Millennium Challenge Account Compact with the U.S. government. The source of the controversy lay in allegations that the agreement included a provision that would allow American investors to buy or develop a number of tourist lodges in Namibia's national parks.

The small white minority owns just under half of Namibia's arable land, and after redistribution stalled under the government's initial "willing-buyer, willing-seller" policy, legislation was passed in 2003 to speed up the process. In 2004, the government declared that all landholders were susceptible to expropriation. According to available information, 30 farms have been targeted for expropriation, and as of 2008, the government had expropriated 5. Several farm owners, including four German nationals in 2008, have used the courts to contest the expropriation of their land or the prices offered by the government.

Although extractive industries including diamond and uranium mining have drawn significant foreign investment, most Namibians live as subsistence farmers, and many lack basic services.

## Political Rights and Civil Liberties:

Namibia is an electoral democracy. Despite a court-mandated recount, the 2004 presidential and legislative elections were judged to be free and fair. Several local elections were held in 2008, some of which were characterized by tension, intimidation, and accusations of improprieties by government officials. The government suspended the head of the electoral commission in March 2008 after he postponed a local poll and was accused of "dubious conduct" by the SPYL. The accusations involved, among other things, allegations that he was loyal to the opposition and had manipulated the voters' roll in their favor. The opposition RDP claimed that the commission was being manipulated.

The bicameral legislature consists of the 26-seat National Council, whose members are appointed by regional councils for six-year terms, and the 72-seat National Assembly, whose members are popularly elected for five-year terms using party-list proportional representation. The president, who is directly elected for five-year terms, appoints the prime minister and cabinet.

The ruling SWAPO party has dominated both the legislative and executive branches since independence. Significant opposition parties include the newly formed RDP, the Congress of Democrats, the Democratic Turnhalle Alliance, and the United Democratic Front. The climate for opposition parties, especially the RDP, deteriorated in 2008. In several instances, individuals associated with the RDP were subjected to localized harassment and intimidation at the hands of SWAPO members. Leading SWAPO figures called for surveillance of RDP activities, boycotts of businesses owned by RDP members, and the purging of those members from ranking positions in the private sector. SWAPO members also disrupted RDP rallies, ignoring police calls to disperse. In the most visible local election in Omuthiya, the home area of several RDP leaders, the party obtained only 8 percent of the vote.

President Hifikepunye Pohamba has made anticorruption efforts a major theme of his presidency. However, official corruption remains a significant problem, and investigations of major cases proceed slowly. The president in February 2006 installed the officers of the Anti-Corruption Commission (ACC), which is answerable only to the National Assembly and can recommend cases to the prosecutor-general. Since then, the ACC has been involved in the arrests of a number of lower-level state officials as well as two officers of the National Assembly. It has also conducted investigations of more senior officials. In April 2008, the former head of the SPYL and six others were arrested and charged in a major fraud case. The charges are associated with the loss of nearly N\$30 million (US\$4.6 million) invested by the Social Security Commission in a company associated with key SPYL leaders; the trial was ongoing at year's end. Namibia was ranked 60 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution guarantees the right to a free press, and Namibia's media have generally enjoyed a relatively open environment for their operations. Private broadcasters and independent newspapers usually operate without official interference. However, government and party leaders at times issue harsh criticism or threats against the independent press, usually in the wake of unflattering stories about the government and ruling party. The ruling party and several pro-SWAPO government figures also called in 2007 and 2008 for the establishment of a media council to regulate the activities and operations of the media.

While many insist that the state-run Namibia Broadcasting Corporation (NBC) enjoys freedom to criticize the government, it has come under political pressure in recent years. In July 2008, members of SWAPO and the government criticized the NBC's directors on a variety of grounds, raising suspicion that this was due to the NBC's failure to sufficiently follow the party line. There are no government restrictions on the internet, and several publications have popular websites.

Freedom of religion is guaranteed and respected in practice. The government does not restrict academic freedom.

Freedoms of assembly and association are guaranteed by law and permitted in practice, except in situations of national emergency. Although human rights groups generally have operated without interference, in 2007, government ministers threatened and harassed a prominent human rights nongovernmental organization (NGO) and its leadership, after it called for an investigation of former President Nujoma's role in the killing and disappearance of over 4,000 Namibians from the 1970s to 1999. The National Council called for a review of its activities and for legislation to regulate the activities of NGOs; no such episodes were reported in 2008, however.

Constitutionally guaranteed union rights are respected. Although collective bargaining is not practiced widely outside the mining and construction industries, informal collective bargaining is increasingly common. Essential public sector workers do not have the right to strike.

The constitution provides for an independent judiciary, and the separation of powers is observed in practice. Access to justice, however, is obstructed by economic and geographic barriers, a shortage of public defenders, and delays caused by a lack of capacity in the court system, especially at lower levels. Ministry of Justice officials have devoted more attention to these issues in recent years, however. In rural areas, traditional courts often ignore constitutional procedures.

Allegations of police brutality persist. Human rights groups have called for independent investigations into the 1999 arrest and detention of suspected Caprivi separatists and the deaths of 13 suspects in custody. Victims of alleged police torture and abuse in the aftermath of the Caprivi uprising have brought damages claims against the government; all claims have been settled out of court. Conditions in prisons and military detention facilities are quite harsh. In 2007, a High Court judge declared conditions in police holding cells to be "plainly unconstitutional." Focusing on the deplorable health and sanitary conditions in police cells, another judge in 2007 maintained that authorities could be held liable for violating detainees' constitutional rights if conditions are not improved.

Human rights are for the most part well respected in Namibia. However, minority ethnic groups have claimed that the government favors the majority Ovambo in allocating funding and services. In 2005, a group representing the Khoisan people became the latest to demand reparations from Germany for colonial-era atrocities; Herero leaders had already filed a US\$2 billion reparations lawsuit against Germany in the United States. In 2004, the German government had apologized for anti-Herero atrocities but ruled out reparations, promising increased development aid instead.

Despite constitutional guarantees, women continue to face discrimination in customary law and other traditional societal practices. Widows and orphans have been stripped of their land, livestock, and other assets in rural areas. The revision of

customary laws in 1993, combined with a Communal Land Reform Act in 2002, helped to make the land rights of widows more secure. However, lack of awareness of legal rights as well as informal practices have undermined the success of such legal changes. Violence against women is reportedly widespread; rights groups have criticized the government for failing to enforce the country's progressive domestic violence laws. Women are increasingly involved in the political process but remain underrepresented in government and politics.

The government has been praised for providing antiretroviral drugs to Namibians infected with HIV/AIDS. A national AIDS policy passed in 2007 outlaws societal and workplace discrimination against those living with the virus, which has infected some 230,000 Namibians. The policy also guarantees full HIV-related services for prisoners and pretrial detainees.

## Nauru

**Population:** 10,000  
**Capital:** Yaren

**Political Rights:** 1  
**Civil Liberties:** 1  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,3F	1,3F	1,3F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

After calling a snap election in April 2008 to end a two-month deadlock in Parliament, President Marcus Stephen secured a new majority and a new term in office. An Australian detention center in Nauru for asylum seekers closed in March, eliminating as many as 100 jobs and associated rent that constituted approximately one-fifth of the small country's gross domestic product.

Nauru, located 1,600 miles northeast of New Zealand, is the world's smallest republic. It was a German protectorate from 1888 until Australian troops seized it during World War I. The League of Nations granted a joint mandate to Australia, Britain, and New Zealand to govern the island in 1919. Japan occupied Nauru during World War II, and in 1947, the United Nations designated it as a trust territory under Australia. Nauru gained independence in 1968, became an associate Commonwealth member in 1969, and joined the United Nations in 1999.

Once-plentiful supplies of phosphate, mined by Australia for use as fertilizer, had made Nauru one of the world's richest countries in per capita income. However, the phosphate is now almost entirely exhausted, mining has made more than 80 percent of the eight-square-mile island uninhabitable, and the government has squan-

dered much of its accumulated wealth through financial mismanagement. Nauru currently carries a large foreign debt, and rising sea levels threaten its survival.

Recent governments have tried different methods to generate income, with limited success. Nauru's remote location reduces its attraction to travelers, and an immigration and passport-sales scheme ended amid corruption scandals. With few viable economic alternatives, foreign development assistance has become a major source of government income. Nauru receives aid from the United States for hosting an intelligence listening post. Switching diplomatic recognition between China and Taiwan has also enabled Nauru to extract considerable aid from the two rivals.

In 2001, Nauru began to serve as a refugee-processing and detention center for Australia in exchange for rent and aid. International groups have claimed that some detainees, including children, remained in the detention center for years while waiting for processing, adjudication, and settlement. As of mid-2007, 7 Burmese who came to Nauru in 2006 and 30 Sri Lankans intercepted by the Australian Navy in 2007 remained in the detention center. In February 2008, the new Australian Labour government of Kevin Rudd decided to close the center and entered into negotiations with Nauru. When the center in Nauru closed a month later, up to 100 jobs and associated rent that constituted approximately one-fifth of the country's gross domestic product were lost.

Intense political rivalry and the use of no-confidence votes have toppled several governments in recent years. The 2004 elections produced a clear parliamentary majority for Ludwig Scotty and gave his government a strong mandate for economic reforms. The government also began to trace \$1.3 million in missing public funds. In 2005, the government launched a constitutional review to assess whether amendments might improve political stability and government accountability. A series of 40 public meetings were held in 2006, and an Independent Constitutional Review Commission recommended that a 36-member Constitution Convention (Con-Con) debate changes for six weeks and then submit its proposals to the government. Amendments would require passage by a two-thirds majority in Parliament, followed by a referendum. The Con-Con began in April 2007, with 18 delegates chosen by the people and 18 selected by the government. However, the Con-Con process had not been completed by the end of 2008, as delegates remained deeply divided over proposals that included a directly elected president, making the state auditor an independent officer of Parliament, and requiring strict accounting for all public revenue and expenditures.

General elections in August 2007 gave Scotty a second term as president. Scotty attributed his victory to strong public approval of his reform program, which emphasized a 20-year sustainable development strategy and better management of the phosphate trust fund. However, his apparent refusal to investigate allegations of corruption against Finance and Foreign Minister David Adeang led to his ouster by a vote of no confidence in December and his replacement by Marcus Stephen, a former weightlifter, who promised good governance and transparency.

However, Stephen and his supporters were soon challenged by the opposition. Adeang, who was appointed speaker of Parliament in March 2008, led a failed no-confidence vote the same month to remove Stephen. He also tried to pass a ruling outlawing dual citizenship for members of Parliament, which would have forced the removal of two senior cabinet members and given the opposition a majority of seats

in Parliament. Although the Supreme Court found against the ruling in April, political deadlock and unrest persisted, prompting Stephen to declare a state of emergency and call a snap election on April 26. Stephen won a second term in office, and his supporters won 12 of 18 seats in Parliament, ending the crisis.

**Political Rights and Civil Liberties:** Nauru is an electoral democracy. The 2007 elections were deemed free and fair by international observers. The 18-member unicameral legislature is popularly elected from 14 constituencies for three-year terms. Parliament chooses the president and vice president from among its members. Political parties include the Nauru First Party and the Democratic Party, but many politicians are independents.

There were no reports of serious or widespread corruption in 2008. Nauru was not rated in Transparency International's 2008 Corruption Perceptions Index.

The government does not restrict or censor the news media. Local journalists produce a number of weekly and monthly publications; foreign dailies, most in English, are freely admitted and widely available. The government publishes occasional bulletins, and the opposition publishes its own newsletters. Radio Nauru and Nauru TV, which the government owns and operates, broadcast content from Australia, New Zealand, and other international sources. Internet service began in 1998, and there are no formal restrictions on usage; however, cost and lack of infrastructure limit access.

The constitution provides for freedom of religion, which the government generally respects in practice. There have been no reports of government suppression of academic freedom.

The government respects freedoms of assembly and association. There are several advocacy groups for women, development-focused groups, and religious organizations. The country lacks trade unions and labor protection laws, partly because there is little large-scale, private employment.

The judiciary is independent, and defendants generally receive fair trials and representation. The Supreme Court is the highest authority on constitutional issues, and Parliament cannot overturn court decisions. Appeals in civil and criminal cases can be lodged with the high court of Australia. Traditional reconciliation mechanisms, rather than the formal legal process, are frequently used, typically by choice but sometimes under communal pressure. A civilian official controls the 100-person police force. Police abuse is rare, although foreign workers have complained that the police are slow to act on cases filed against native employers. Nauru has no armed forces; Australia provides national defense under an informal agreement.

The law provides equal freedom and protection for men and women, but societal pressures limit the ability of women to exercise their legal rights. Sexual harassment is a crime, but spousal rape is not. Domestic violence is frequently associated with alcohol abuse. There are currently no women serving in Parliament.

## Nepal

**Population:** 27,000,000

**Capital:** Kathmandu

**Political Rights:** 4\*

**Civil Liberties:** 4

**Status:** Partly Free



**Ratings Change:** Nepal's political rights rating improved from 5 to 4 due to relatively free and fair elections held in 2008.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	3,4PF	3,4PF	4,4PF	5,4PF	5,5PF	6,5NF	5,4PF	5,4PF	4,4PF

### Overview:

In a significant step forward for national reconciliation, Nepal held relatively free and fair Constituent Assembly elections in April 2008 in which Maoists won a convincing victory. However, violence marred the election campaign, leading to the deaths of two candidates. While significant improvements in law and order have been made following the 2006 ceasefire, attacks on journalists were commonplace in 2008, and ethnic violence continued in the southern Nepal.

King Prithvi Narayan Shah unified the Himalayan state of Nepal in 1769. Following two centuries of palace rule, the left-leaning Nepali Congress (NC) party won Nepal's first elections in 1959. King Mahendra abruptly dissolved parliament and banned political parties in 1960, and in 1962 he began ruling through a repressive *panchayat* (village council) system. Many parties went underground until early 1990, when the NC and a coalition of Communist parties organized prodemocracy rallies that led King Birendra to lift the ban. An interim government introduced a constitution that vested executive power in a prime minister and cabinet responsible to parliament but retained the monarch as head of state.

In Nepal's first multiparty elections in 32 years, Girija Prasad Koirala, a veteran dissident, led the NC to victory and formed a government in 1991. Torn by intraparty conflicts, the NC was forced in 1994 to call early elections, which it lost to the Communist Party of Nepal/United Marxist-Leninist, or CPN-UML. The Communists, however, failed to win a majority in parliament. Separately, the more militant Communist Party of Nepal (Maoist) launched a guerrilla insurgency in 1996 that eventually engulfed much of the countryside. Hopes for a more stable government rose after the NC won a majority in 1999 elections.

In June 2001, King Birendra's brother Gyanendra ascended the throne after a bizarre palace incident in which the crown prince apparently shot and killed Birendra and nine other members of the royal family before killing himself. In November, Gyanendra declared a state of emergency. The government's subsequent decision

to use the army to fight the Maoists marked a sharp escalation in the conflict; an estimated 5,000 people were killed in 2002, and Nepal's infrastructure and economy were severely damaged.

Political instability increased in May 2002. Gyanendra assumed executive powers, postponed elections indefinitely, and installed a right-wing, royalist administration. In June 2004, former prime minister Sher Bahadur Deuba, who enjoyed somewhat more support than his predecessors, was reappointed with a mandate to hold elections and reestablish peace. However, the NC and three other parties refused to join the government, and parliament remained dissolved. Meanwhile, fighting between the Maoists and security forces mounted, and periodic strikes and blockades crippled the economy.

In February 2005, Gyanendra once again dismissed the government, assumed executive powers, and imposed a state of emergency. His officials detained politicians, arrested thousands of party activists, outlawed demonstrations, and shut down numerous media outlets and other means of communication, such as telephone and internet services. Realizing that their attempts to engage the king were unlikely to bear fruit, the seven-party alliance (SPA) of mainstream political factions entered into talks with the Maoists in October 2005, yielding a 12-point agreement in November that called for an end to absolute monarchy and the restoration of democracy.

In March 2006, the SPA and Maoists began planning a series of strikes and rallies scheduled for April. Thousands took part in daily demonstrations across the country, with the general public—led by professionals, civil society and human rights activists, and the civil service—forming the core of most marches. The SPA and Maoists demanded the restoration of parliament and the election of a Constituent Assembly (CA) to write a new constitution. Gyanendra relented on April 24, agreeing to reinstate parliament and follow the provisions of the November 2005 SPA-Maoist pact. Parliament quickly removed most of the king's powers, and the SPA announced plans for CA elections.

After months of Maoist-SPA tension over Maoist disarmament and the fate of the monarchy, the groups concluded a Comprehensive Peace Agreement (CPA) in November 2006, stipulating that the Maoists place their weapons under UN monitoring and confine their fighters to camps across the country. The national army would lock up a similar number of weapons. The Maoists further agreed to disband their parallel government and join a new interim government alongside current members of parliament. Maoists joined the new parliament in January 2007, and weapons decommissioning was finished later in the month. An interim constitution was promulgated on January 15, 2007.

Optimism following the peace agreement proved short lived, however, as violence broke out in mid-January in the Terai plains region along the border with India. The combination of violence in the south and a lack of finalized election laws led to the postponement of CA elections, originally scheduled for June 2007, to November. The elections were postponed again until April 2008 due to disagreements between the Maoists and the SPA over the election system and the future of the monarchy.

In a significant step forward in Nepal's peace process, CA elections were held as planned on April 10, 2008. International observers found the elections to be generally free and fair, with few incidents of violence on election day. However, campaigning prior to the election was marred by widespread violence, with candidates



and campaign workers regularly attacked, and two candidates were killed during the campaign; Maoists were responsible for the bulk of the violence. The Maoists won a conclusive victory, capturing 229 seats—a 100-seat advantage in the CA over their closest rival, the Congress Party. While Ram Baran Yadav, who was supported by several opposition parties, defeated the Maoist candidate for president in July, Maoist leader Prachanda was elected prime minister in August, and the Maoists formed a coalition government shortly after.

The government's first budget was released in September, increasing government expenditure by 40 percent with the inclusion of debt cancellation programs, allowances for the poor, and free primary education. However, the Maoists had yet to release a concrete set of long-term goals by year's end; commentators have speculated that the party is split as to whether to pursue democratic, market-friendly policies or attempt to form a single party, communist state.

### **Political Rights and Civil Liberties:**

Nepal is not an electoral democracy. Elections held on April 10, 2008, were found to be "generally organized in a professional and transparent manner" by a European Union (EU) observation team. However, the EU noted that the elections did not fully meet international standards due to restrictions on freedoms of assembly, movement, and expression. While there were some minor incidents of violence on election day, polling was generally peaceful; however, violence was more widespread during the campaign.

The government is operating under an interim constitution promulgated on January 15, 2007. The Constituent Assembly (CA), a 601-seat body, is the only legislative house. In addition to legislative duties, the CA is tasked with writing a new constitution. Members are elected in a mixed electoral system: 240 seats are allocated based on a first-past-the-post system, 335 seats are allocated through a proportional representation system, and 26 members are appointed by a council of ministers. Both the president and prime minister are elected by a majority of the CA and together form the executive branch. The monarchy was pushed into the background after the April 2006 protests; King Gyanendra has no political power.

A wide range of political parties are currently in the CA. Unlike the 1990 constitution, the interim constitution has no limitation on parties formed along ethnic lines. Thirty-three percent of the seats in the CA are reserved for women, and substantial allocations were made for Madhesis, Dalits, and other minority groups. Representation in state institutions of ethnic minorities, lower castes, and women remains inadequate, although in August 2007, parliament passed a civil service bill reserving 45 percent of posts for women, minorities, and Dalits.

Corruption is perceived to be endemic in politics and government, and enforcement of anticorruption regulations remains weak. High-level officials are rarely prosecuted, although the central bank governor, Bijaya Nath Bhattarai, was convicted of corruption in March 2008. Many members of the CA have been accused or convicted of corruption in the past. Graft is particularly prevalent in the judiciary, with frequent payoffs to judges for favorable rulings. Nepal was ranked 121 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The legal environment for the press has improved significantly since the April 2006 uprising. Several restrictive media controls were repealed shortly after parliament returned to power. The interim constitution promulgated in January 2007 pro-

vides for press freedom and specifically prohibits censorship, although these rights can be suspended during an emergency. Authorities are forbidden to close or cancel registrations for media outlets due to content. The government maintains control of both the influential Radio Nepal, whose political coverage is supportive of official policies, and Nepal's main television station. The Electoral Commission's Code of Conduct, implemented on January 16, 2008 and enforced throughout the campaign, contained provisions requiring state-owned media to provide airtime to all parties during the campaign. Under the Code, state-owned media are also required to remain impartial and devote equal time to different political views.

Violence and intimidation toward journalists continued to be a serious problem in 2008, following a violent year in 2007. The Federation of Nepali Journalists reported 20 cases of physical attacks on journalists during election campaigning in early 2008. There were also several reports that journalists covering the election had received death threats. Maoists and the Young Communist League (YCL) continued to harass journalists throughout the year. Several cases of assault were reported, including a series of attacks in the western region of Kailali in May 2008, which led to the closure of several newspapers. In late December, the editorial offices of Kantipur Publications, a publisher of two major newspapers, were occupied by Maoist-aligned groups and prevented from publishing for several days. Ethnic violence in southern Nepal resulted in the death of two journalists in January.

The interim constitution identifies Nepal as a secular state, signaling a break with the Hindu monarchy. While religious tolerance is broadly practiced, proselytizing is prohibited, and members of some religious minorities occasionally complain of official harassment, according to the U.S. State Department's 2008 Report on International Religious Freedom. Christian groups have considerable difficulty registering as religious organizations and thus are unable to own land. Tibetan groups have faced restrictions in organizing public events. In March 2008, a mosque in the Biratnagar district of southern Nepal was bombed, killing two people. A Hindu fundamentalist group, the Nepal Defense Army, claimed responsibility.

The government does not restrict academic freedom. More than 100 teachers were killed by security forces and Maoists during the civil conflict, and Maoists regularly targeted private schools in rural areas, often abducting and forcibly conscripting school children. However, the number of attacks on schools has dropped significantly following the 2006 ceasefire.

Freedom of assembly is guaranteed under the interim constitution. However, in early 2007, Madhesi protesters in Terai clashed violently with police, leaving at least 30 protesters dead. In the first half of 2008, police repeatedly used violence to disperse Tibetan protesters, frequently using tear gas and beating protesters with sticks. Several injuries were reported. Many protesters were arbitrarily arrested and detained, although most were released within hours. Over 500 women were detained at an anti-China rally in Kathmandu in May.

Nongovernmental organizations (NGOs) played an active role in the April 2006 protests, and conditions for the groups improved somewhat following the transfer of power. In May 2006, the government repealed a November 2005 code of conduct that had barred NGOs from work that would disturb social harmony. The YCL occasionally threatened or attacked NGOs in 2008. Several attacks on NGOs aiding victims of sexual violence were reported.

The labor act provides for the freedom to collectively bargain, and unions generally operate without state interference. A draconian labor ordinance put in place by Gyanendra's government was repealed in 2006, and restrictions on civil service members forming unions were lifted. By law, workers in a broad range of "essential" industries cannot stage strikes, and 60 percent of a union's membership must vote in favor of a strike for it to be legal. Although bonded labor was outlawed in 2000, it persists in rural areas, and the incidence of child labor has increased due to conditions created by the insurgency. The Nepali Ministry for Labor and Transport Management estimates that there are approximately 2.4 million child laborers in Nepal.

The constitution provides for an independent judiciary, but most courts suffer from endemic corruption, and many Nepalese have only limited access to justice. In July 2008, the chief justice of the Supreme Court, Kedar Prasad Giri, acknowledged that the court was often subject to political pressure. There are currently 52,098 cases pending in all courts across the country. Because of heavy case backlogs and a slow appeals process, suspects are often kept in pretrial detention for periods longer than their prospective prison sentences. Prison conditions are poor, with overcrowding common and detainees sometimes remaining handcuffed or otherwise fettered.

In ordinary criminal cases, police at times commit extrajudicial killings and cause the disappearance of suspects in custody. They also occasionally torture and beat suspects to punish them or to extract confessions. In November 2008, Human Rights Watch reported that police had beaten over 200 children while in custody for petty crimes in 2008. The government generally has refused to conduct thorough investigations or take serious disciplinary measures against officers accused of brutality.

Both the government and the Maoists have been accused of an array of human rights violations in the context of the insurgency, which claimed nearly 13,000 lives between 1996 and 2006. While the formation of a truth and reconciliation commission was called for in the November 2006 CPA, a bill to create the commission had yet to be enacted at the end of 2008. The Maoists impounded their weapons under UN supervision in January 2007, and people's governments and courts were officially abandoned in February 2007. Some 31,000 Maoist fighters are currently living in 28 camps throughout the country. However, Maoists have faced criticism for continued human rights abuses. The YCL, established by the Maoists following the CPA, has kidnapped, harassed, and beaten party rivals and has been accused of meting out vigilante justice in rural areas. Although its overall level of activity was scaled back somewhat in 2008, the YCL allegedly killed two youths in Dhading District in November. YCL members have also attacked journalists and demanded protection payments from businesses across the country. In 2008, Maoists called for the integration of Maoist fighters into the security forces, although opposition parties have delayed the move, arguing that it could reignite tensions.

Members of the Hindu upper castes dominate government and business, and low-caste Hindus, ethnic minorities, and Christians face discrimination in the civil service and courts. Despite constitutional provisions that ban caste-based discrimination, Dalits continue to be subjected to particularly severe exploitation, violence, and social exclusion. Nepal also provides asylum to more than 100,000 Bhutanese refugees.

Madhesis, plains-dwelling people with close connections to groups across the

border in India, are often described in contrast to Pahades, or hill-dwelling people. Madhesis are underrepresented in politics, receive comparatively little economic support from the government, and until an amendment to the citizenship law in 2006, had difficulty acquiring formal citizenship due to Nepali language requirements. Several armed separatist groups continued to operate in southern Nepal in 2008; in November, the Maoist-led government announced intentions to begin talks with the groups as soon as possible. A significant portion of CA seats are reserved for minority groups, among them Madhesis.

Women rarely receive the same educational and employment opportunities as men, and there are relatively few women in government and the civil service. However, the interim constitution reserves a third of all seats in the forthcoming CA for women. The government has taken few steps to curb violence against women or to assist victims, and authorities generally do not prosecute domestic violence cases. Amnesty International and others have documented a number of cases of custodial rape of women and girls by security forces and state-sponsored village militias. Thousands of women and girls are trafficked annually, many to Indian brothels. Because most prostitutes who return to Nepal are HIV-positive, nearly all returnees are shunned. In December 2005, the Supreme Court ruled that women under 35 would no longer need their parents' or husbands' permission to apply for a passport. While homosexuality is not outlawed, an "unnatural sex act" carrying a one-year jail sentence was used against gay men and transgender people. In December 2007, however, the Supreme Court ordered the government to abolish all laws that discriminate against homosexuals. The court in November 2008 gave its consent to same-sex marriages.

## Netherlands

**Population:** 16,400,000  
**Capital:** Amsterdam

**Political Rights:** 1  
**Civil Liberties:** 1  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

**Overview:** Public debate over freedom of speech and minority integration continued throughout 2008. In March, politician Geert Wilders released his anti-Koran short film *Fitna* on the internet. The cartoonist Gregorius Nekschot was detained in May on suspicion of violating laws against incitement and discrimination. In late October, the

**government decided to repeal a 1930s blasphemy law and incorporate religious matters into broader antidiscrimination legislation.**

After the Dutch won their independence from Spain in the 16th century, the princely House of Orange assumed the leadership of the United Provinces of the Netherlands. A constitutional monarchy with a representative government emerged in the 19th century. The Netherlands remained neutral in both world wars but was invaded by Nazi Germany in 1940. In the wake of the war, the country joined NATO in 1949. In 1952, it became a founding member of the European Coal and Steel Community, a precursor to the European Union (EU).

Concerns about the integration of immigrants have gained prominence in Dutch politics in recent years. Following the murder of right-wing politician Pim Fortuyn in May 2002, his newly formed party, the Pim Fortuyn List (LPF), placed second in that month's parliamentary elections, running on an anti-immigrant platform. However, party infighting led to the collapse of the new government in October. The center-right Christian Democratic Appeal (CDA) led the ensuing January 2003 elections with 44 seats, followed by the Labor Party (PvdA) with 42 seats and the People's Party for Freedom and Democracy (VD) with 28 seats. The LPF dropped to fifth place, taking just 8 seats. The CDA ultimately brought the VD and the smaller Democrats-66 (D66) party into a center-right coalition. Jan Peter Balkenende of the CDA was reconfirmed as prime minister.

Nearly 62 percent of Dutch voters rejected a proposed EU constitution in a June 2005 national referendum, following a similar response by voters in France in May. The coalition government resigned in June 2006 over an internal dispute about the immigration and integration minister, Rita Verdonk. In May, she had moved to annul the citizenship of a fellow VD member of parliament, the Somali-born Ayaan Hirsi Ali, after it was discovered that she had lied in her 1992 asylum application. Hirsi Ali had received death threats for being an outspoken critic of Islam and for the film *Submission*, which she had made in collaboration with controversial filmmaker Theo Van Gogh, who was killed by a radical Islamist in 2004. D66 quit the government over the handling of the incident, causing the coalition to collapse.

In November 2006 elections, the CDA again led the voting with 41 seats, followed by the PvdA with 32, the Socialist Party with 26, and the VVD with 22. A new centrist coalition government took office in February 2007, consisting of the CDA, the PvdA, and the Christian Union party. The government included the country's first Muslim cabinet ministers—Ahmed Aboutaleb, deputy minister for social affairs, and Nebahat Albayrak, deputy minister of justice. The new coalition also marked the morally conservative Christian Union's debut in government.

Immigration and minority integration remained political flashpoints through 2008. Rita Verdonk's new party, Proud of the Netherlands, gained popularity during the year even as the number of asylum applications increased significantly. Geert Wilders, leader of the right-wing Party for Freedom, released the anti-Koran short film *Fitna* on the internet in March after failing to find a public venue that would screen it. The government distanced itself from the film, and the riots it had been expected to provoke in Western Europe did not materialize. Separately, a cartoonist working under the pen name Gregorius Nekschot was arrested and held for 30 hours on suspicion of publishing work on his website that was derogatory toward Muslims. Police had

begun investigating Nekschot in 2005, after an imam complained about his cartoons. Free speech proponents protested the arrest as political grandstanding designed to soothe religious hard-liners. At the urging of the PvdA, the other two parties in the coalition government, the CDA and the CU, agreed in late October to repeal the country's 1930s blasphemy law and amend existing antidiscrimination legislation to cover religious groups.

**Political Rights  
and Civil Liberties:**

The Netherlands is an electoral democracy. The 150-member lower house of parliament, or Second Chamber, is elected every four years by proportional representation. The 75-member upper house, or First Chamber, is elected for four-year terms by the country's provincial councils. Foreigners resident in the country for five years or more are eligible to vote in local elections.

The leader of the majority party or coalition is usually appointed prime minister by the monarch, currently Queen Beatrix. Mayors are appointed from a list of candidates submitted by the municipal councils. The monarch appoints the Council of Ministers (cabinet) and the governor of each province on the recommendation of the majority in parliament.

The country has few problems with political corruption. The Netherlands was ranked 7 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The news media are free and independent. The rarely used 1881 lese majesty law restricting defamation of the monarch was invoked twice in 2007: a man was arrested and fined 400 euros for calling the queen a whore, and a young journalist wearing a shirt with the same phrase was arrested but not prosecuted. A draft law presented in November 2008 would protect journalists, bloggers, and opinion makers from having to reveal confidential sources in court proceedings. Despite a high concentration of newspaper ownership, a wide variety of opinion is expressed in the print media. Internet access is not restricted.

The constitution guarantees freedom of religion, and religious organizations that provide educational facilities can receive subsidies from the government. Members of the country's Muslim population have encountered an increase in hostility in recent years, including vandalism, arson, defacement of mosques or other Islamic institutions, harassment, and verbal abuse.

In order to curb undesired foreign influence in the affairs of Dutch Muslim groups, the government requires all imams and other spiritual leaders recruited from Muslim countries to take a one-year integration course before practicing in the Netherlands. An all-party parliamentary report issued in 2004 had suggested a reversal of the country's 30-year-old policy of multiculturalism, arguing that Muslims resident in the Netherlands should "become Dutch." The government does not restrict academic freedom.

People have the right to assemble, demonstrate, and generally express their opinions. National and international human rights organizations, operate freely without government intervention. In 2006, the parliament enacted legislation banning organizations that are considered to be terrorist groups by the EU and the United Nations. Workers have the right to organize, bargain collectively, and strike. Two of the largest trade unions opened their ranks to self-employed workers in 2007.

The judiciary is independent, and the rule of law prevails in civil and criminal matters. The police are under civilian control, and prison conditions meet international standards.

The population is generally treated equally under the law, although human rights groups have criticized the country's recent asylum policies for being unduly harsh and violating international standards. In September 2006, amid growing criticism by nongovernmental organizations (NGOs) and refugee groups for its failure to expedite the asylum requests of 32,000 people, the government finally granted residency permits to about half and ordered the rest to leave the country. In December of that year, the authorities instituted a general moratorium on expulsions of the asylum seekers. Separately, the government in October 2006 halted repatriations of failed Iranian asylum seekers who were lesbian, gay, bisexual, or transgender, as they could face persecution at home.

The country is a destination and transit point for trafficking in persons, particularly women and girls for sexual exploitation. A law that took effect in 2005 expanded the legal definition of trafficking to include forced labor and increased the maximum penalty for traffickers to 12 years in cases of serious physical injury and 15 years in cases of death. The government has also supported NGOs that assist trafficking victims. In 2007, the city of Amsterdam brought in national police investigators to continue the crackdown on organized crime in districts linked to trafficking and the prostitution industry. In September of that year, a public-housing corporation bought several buildings in the city as part of a redevelopment plan that would eventually close around a third of the street-level windows used by legal prostitutes.

## New Zealand

**Population:** 4,200,000

**Capital:** Wellington

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

John Key of the center-right National Party became prime minister in snap general elections held in November 2008, ending nine years of domination by the Labour Party. Two senior public officials resigned from their posts during the year following allegations of misconduct. Meanwhile, the government and Maori groups in June signed a historic land deal that will transfer large areas of forest land to seven Maori tribes.

British sovereignty in New Zealand was established in 1840 under the Treaty of Waitangi, a pact between the British government and Maori chiefs that also guaranteed Maori land rights. New Zealand became a self-governing parliamentary democracy in 1907 and gained full independence from Britain in 1947, though the British monarch remained head of state.

General elections in 2005 gave the center-left Labour Party—which had been in office since 1999—a plurality of 50 parliamentary seats, compared with the center-right National Party's 48. Labour reached agreements with a number of smaller parties to secure a governing majority in the 121-seat Parliament. In February 2007, the government's hold on Parliament was threatened when former associate cabinet minister Taito Phillip Field left the Labour Party amid allegations that he attempted to improperly influence immigration applications. Field remained in Parliament as an independent, and his continued support in key votes helped to preserve the government's 61-seat working majority.

Concerns about how immigration is changing the country's demographics have led the government to tighten immigration requirements in recent years. Residents must live in New Zealand for five years before they can apply for citizenship, and automatic citizenship is restricted to those born in Samoa between 1924 and 1948, when Samoa was under New Zealand's rule. The Maori Party has accused the Labour-led government of deliberately discriminating against Pacific Islanders in its immigration policy.

There is also increasing concern about immigrants as national security threats. In 2006, the government expelled a Saudi national who had entered on a student visa and was suspected of ties to the perpetrators of the September 11, 2001, terrorist attacks on the United States. He was deported under a rarely invoked section of the Immigration Act that requires consent from the governor-general and provides no avenue for appeal. Separately, in retaliation for the expulsion of the New Zealand high commissioner from Fiji in June 2007, New Zealand decided in July to bar all Fijians involved in that country's December 2006 coup, all senior officials in the Fijian interim government and their families, and Fijian national sports-team members from entering or transiting through New Zealand.

In May 2007, Parliament passed a controversial bill banning the spanking of children, which would grant police the authority to determine whether a parent should be charged with abuse. Also controversial were countrywide raids in October on groups suspected of plotting attacks on the white population; police seized guns and ammunition during the raids and arrested 17 Maori activists. The arrests, which were the first under the country's 2002 Terrorism Suppression Act (TSA), were met with harsh criticism from Maori activists and labor union officials. The solicitor general in November dropped pending charges under the TSA and alternatively charged the defendants with the illegal possession and use of arms and ammunition under the Arms Act.

Prime Minister Helen Clark called for a snap general election in November 2008 in the midst of declining popularity, political scandals—including the resignation of two senior public officials following allegations of misconduct—and growing public anxiety about the domestic economic recession, exacerbated by the global financial crisis. The National Party, led by John Key, captured 58 seats, while Labour took 43 seats. With support from the Maori Party (5 seats), the United Future Party (1



seat) and the ACT New Zealand Party (5 seats), the coalition under Key's National Party took control of 69 of the 122 seats in Parliament, and Key was elected the new prime minister.

### **Political Rights and Civil Liberties:**

New Zealand is an electoral democracy. A mixed-member electoral system combines voting in geographic districts with proportional-representation balloting. New Zealand is a member of the Commonwealth, and Britain's Queen Elizabeth II is the head of state, represented by a governor-general. The prime minister, the head of government, is the leader of the majority party or coalition and is appointed by the governor-general. John Key of the moderate conservative National Party became prime minister in November 2008, ending the Labour Party's nine-year control of government. The 2008 elections were considered to be free and fair. The unicameral Parliament, or House of Representatives, currently has 121 members, all elected for three-year terms.

The two main political parties are the center-left Labour Party and the center-right National Party. Five smaller parties (the Maori, United Future, ACT New Zealand, Green, and Progressive parties) also won representation in the 2008 parliamentary elections.

Seven of the Parliament's constituency seats are reserved for the native Maori population. Maori constitute 11 percent of the voting population and around 10 percent of the country's four million people. The Maori Party, the country's first ethnic party, was formed in 2004 in reaction to a government bill declaring all foreshore and seabed areas as state property held in perpetuity for all peoples of New Zealand, a possible infringement on Maori land rights. The appointment of Major General Jerry Mateparae as defense minister in 2006 was another milestone in Maori history; he was the first Maori to hold the post. Tuheitia Pahi, a former university manager and cultural adviser, was chosen by the tribes to succeed his mother as the Maori monarch after she died in 2006.

New Zealand is one of the least-corrupt countries in the world. It was ranked first out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. Nevertheless, two senior public officials resigned from their posts following allegations of misconduct during the year. In May, Mary Thompson, the Immigration Service chief, stepped down following allegations that she assisted family members from Kiribati in obtaining New Zealand residence permits. In August, Winston Peters, the foreign minister and head of the New Zealand First Party, resigned following allegations that he had misused party funds and failed to declare political donations in 2007.

The media are free and competitive. Newspapers are published nationally and locally in English, and in several non-English languages for the growing immigrant population. Television outlets include state-run Television New Zealand, three private channels, and a Maori-language public network. A Maori-language radio station has been broadcasting since 1996. A stronger movement among the Maori population to celebrate their language, arts, and history has increased demand for Maori-language media products. The government does not control or censor internet access, and competitive pricing promotes large-scale diffusion.

Freedom of religion is provided by law and respected in practice. Only religious organizations that intend to collect donations need to register with the government.

Although New Zealand is a secular state, the government has fined businesses for operating on the official holidays of Christmas Day, Good Friday, and Easter Sunday. A 2001 law granted exemptions to several categories of stores in response to demands from non-Christian populations.

Academic freedom is enjoyed at all levels of instruction. The Education Act of 1964 bans religious education and observations during normal hours in primary schools. Some parents have complained about prayers and religious blessings at a number of primary and intermediate schools, but bishops, opposition members of Parliament, and school principals argue that strict enforcement would be difficult and unworkable.

The government respects freedoms of assembly and association. Nongovernmental and civil society groups are active throughout the country in promoting community health, minority rights, education, children's welfare, and other causes. Many receive considerable financial support from the government.

The New Zealand Council of Trade Unions is the main labor federation. Fewer than 20 percent of the country's wage earners are union members. Membership has been declining since the 1991 adoption of the Employment Contracts Act (ECA), which ended compulsory union membership and prohibited certain types of strikes. The Labour-led government replaced the ECA with the Employment Relations Act (ERA) in 2001. The ERA promotes collective bargaining and allows unions to charge bargaining fees to nonunion workers who enjoy union-negotiated wages and conditions; amendments in 2004 gave additional protections to workers during company ownership changes. In April 2008, junior doctors across the country went on a two-day strike to demand higher wages; amid public criticism, the union terminated its action without securing its demands.

The judiciary is independent, and defendants can appeal to the Privy Council in London. Police discrimination against the Maori, who comprise more than half of the prison population, has been reported.

Although no laws explicitly discriminate against the Maori, and their living standards have generally improved, most Maori and Pacific Islanders continue to lag behind the European-descended majority in social and economic status. The Maori population has become more assertive in its claims for land, resources, and compensation from the government. A special tribunal hears Maori tribal claims tied to the Treaty of Waitangi. Recent Maori claims for rights to gas and oil fields in the Marlborough Sounds off the South Island became a major issue in national politics and caused tensions with the non-Maori population. The assertions of ancestral rights were prompted by the government's plans to nationalize all beaches and territorial seabed. In June 2008, the government and Maori groups signed a historic land deal that will transfer 435,000 acres of plantation forest and associated rents from the central government to seven North Island tribes of more than 100,000 people.

Violence against women and children is a major problem, particularly among the Maori and Pacific Islander populations. Many governmental and nongovernmental programs work to prevent domestic violence and support victims, with special programs for the Maori community. A 2005 Civil Union Bill grants same-sex partnerships recognition and legal rights similar to those of married couples.

## Nicaragua

**Population:** 5,700,000

**Capital:** Managua

**Political Rights:** 4\*

**Civil Liberties:** 3

**Status:** Partly Free



**Ratings Change:** Nicaragua's political rights rating declined from 3 to 4 due to the increasing centralization of power by the government and the harassment of opposition parties during municipal elections.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	4,3PF

### Overview:

**President Daniel Ortega and his Sandinista National Liberation Front (FSLN) continued to consolidate their control in 2008, restricting access to information and creating a climate of intolerance toward critics of the government. The Supreme Electoral Council revoked the legal status of two opposition parties ahead of the November local elections, in which the FSLN reportedly captured over 70 percent of the municipalities. FSLN supporters violently suppressed postelection protests as the opposition alleged extensive vote-rigging by the government. Independent international monitors were excluded from the election process, and fraud claims had not been addressed by year's end.**

The independent Republic of Nicaragua was established in 1838, 17 years after the end of Spanish rule. Its subsequent history has been marked by internal strife and dictatorship. The Sandinista National Liberation Front (FSLN), a leftist rebel group, overthrew the authoritarian regime of the Somoza family in 1979. The FSLN then moved to establish a Marxist government, leading to a civil war. The United States intervened, in part by supporting irregular rebel forces known as the *contras*.

In 1990, National Opposition Union presidential candidate Violeta Chamorro defeated the FSLN's Daniel Ortega in free and open elections. Ortega conceded defeat, and a peaceful transfer of power took place. Before leaving office, however, the Sandinistas revised laws and sold off state property to party leaders, guaranteeing that they would retain political and economic clout. Chamorro oversaw the amendment of the 1987 constitution to provide for a more even distribution of power among the three branches of government.

Former Managua mayor Arnaldo Aleman of the Liberal Constitutionalist Party (PLC) defeated Ortega in the 1996 presidential election, but he was accused of corruption throughout his presidency. In 1999, the PLC agreed to a governing pact with the FSLN opposition. The pact guaranteed Aleman a seat in both the Nicaraguan

and the Central American parliaments, assuring him immunity from prosecution. It also included constitutional and electoral reforms that lowered the percentage of votes required to win an election without a runoff from 45 to 40 percent (or 35 percent if the winner had a lead of 5 percentage points). The PLC and FSLN, using their combined bloc in the legislature, ensured their political control over the Supreme Court, the electoral tribunal, the inspector general's office, and other institutions.

In the 2001 elections, PLC presidential candidate Enrique Bolanos, a respected conservative businessman, defeated Ortega. He vowed to prosecute Aleman and corrupt members of his administration, causing a break with the PLC; Bolanos later formed his own party, the Alliance for the Republic (APRE). The protracted effort to convict Aleman eventually yielded a 20-year prison sentence for money laundering in 2003. However, the former leader subsequently used his alliance with Ortega to win concessions from the FSLN-controlled courts, and he was released from parole conditions in March 2007, so long as he did not leave the country.

Meanwhile, the PLC- and FSLN-dominated National Assembly blocked virtually all of Bolanos's proposed legislation, with support from the FSLN-controlled courts. In 2005, the National Assembly passed legislation to strip Bolanos of certain presidential powers and replace his appointees to autonomous state bodies. Bolanos appealed to the Central American Court of Justice, which ordered the National Assembly to reverse the legislation. After a long standoff, the two sides agreed to postpone implementation of the reforms until after Bolanos left office.

Ortega won the presidency in the first round in November 2006, taking 38 percent of the vote. His closest challenger was Eduardo Montealegre of the Nicaraguan Liberal Alliance (ALN), a former finance minister under Bolanos, who took 29 percent. In the concurrent legislative elections, the FSLN obtained 38 out of 92 seats, while the PLC took 25, giving the allied parties a two-thirds majority. The ALN secured 22, and the Sandinista Renewal Movement (MRS) won 5. Bolanos also received a seat as outgoing president, and Montealegre took one as the presidential runner-up. The new National Assembly voted in January 2007 to postpone the 2005 constitutional reforms until January 2008, but at year's end they still had not taken effect. Later in 2007, Ortega further consolidated presidential power through reforms that gave the executive branch more control over the central bank, the police, and the military.

In December 2007, the Ortega administration established a system of Citizens' Power Councils (CPCs), from the neighborhood to the federal level, to promote direct democracy and participate in the government's Zero Hunger food-production project. Critics voiced concerns that the bodies would serve the FSLN and blur the lines between state and party institutions. Ortega increased his power over the councils in June 2008 by appointing his wife to serve as head of the Social Cabinet, which put her in charge of programs like Zero Hunger as well as the National Social Welfare System.

In 2008, the Supreme Electoral Council (CSE) took a number of steps that appeared designed to ensure an FSLN victory in November municipal elections. The CSE postponed the elections in several municipalities in the Northern Atlantic Autonomous Region, where dissatisfaction with the government response to Hurricane Felix in September 2007 had stoked anti-FSLN sentiment. In April, the council annulled Montealegre's leadership of the ALN and granted it to Eliseo Nunez, an

FSLN supporter. The following month, the CSE revoked the legal status of two other opposition parties, the Conservative Party and the MRS, preventing them from contesting the elections. The CSE also refused accreditations to local and international electoral observers for the first time since 1990, and Ethics and Transparency, the independent national watchdog organization that usually monitors elections, was also denied accreditation. Meanwhile, in July, 39 people—including Montealegre—were indicted on fraud and other charges related to the bankruptcy and sale of four private banks in 2001. Critics said the charges were politically motivated.

The CSE announced that the FSLN had won 105 of 146 municipalities, including Managua, in the November 9 local elections. However, independent observers, including Ethics and Transparency, the Institute for Development and Democracy (IPADE), the Carter Center, and the European Union, documented fraud in at least 40 of these municipalities; in Managua, the CSE failed to report results from 660 polling places. Observers asserted that former presidential candidate and opposition leader Eduardo Montealegre should have been declared the mayor of Managua. After the election, protestors calling for a recount clashed violently with FSLN supporters. Meanwhile, claims of fraud had not been addressed by year's end.

The Ortega administration has maintained market-oriented economic policies and continued Nicaragua's participation in the Dominican Republic-Central American Free Trade Agreement (DR-CAFTA) with the United States, which took effect in 2006. However, in January 2007, it also joined the Bolivarian Alternative for the Americas (ALBA), a Venezuelan-led regional economic association that includes Cuba and Bolivia. In April of that year, the Venezuelan government agreed to provide Nicaragua with 10 million barrels of oil annually. Nicaragua pays half the cost up front and the rest over a 25-year period, with a 2 percent interest rate. The resale of Venezuelan oil is estimated to generate more than \$300 million in 2008 for the government; the funds are dedicated to social projects but administered directly by Ortega's office, outside of the national budget. The sums involved are equivalent to about 23 percent of the official budget, and the lack of transparency in its allocation has raised concerns about the politicization of the use of these funds.

**Political Rights and Civil Liberties:** Nicaragua is an electoral democracy. The constitution provides for a directly elected president and a 92-member, unicameral National Assembly. Two seats in the legislature are reserved for the previous president and the runner-up in the last presidential election. Both presidential and legislative elections are held every five years, and presidents cannot serve consecutive terms. The governing FSLN party and its ally, the PLC, currently dominate state institutions and together hold a two-thirds majority in the legislature.

The 2006 presidential and legislative elections were regarded as free and fair by the CSE and the international community. However, independent observers reported fraud in at least 40 municipalities during the November 2008 local elections. In addition, there were growing concerns about the impartiality of the CSE itself and the FSLN's influence over it in the wake of the elections.

The political and civic climate is affected by corruption, political pacts, violence, and drug-related crime. The 2007 Law of Access to Public Information requires public entities and private companies doing business with the state to disclose certain

information. However, the law preserved the right to protect information related to state security. There have been concerns that oil revenues controlled by the president's office could be allocated in a corrupt or politicized manner, and critics argued that the indictment of opposition figures on corruption charges in 2008 was politically motivated. Nicaragua was ranked 134 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution calls for a free press but allows some censorship. Although the government has not invoked these powers of late, there has been no movement to change the constitutional provisions. Journalists have received death threats, and some have been killed in recent years, with a number of attacks attributed to FSLN sympathizers. Amnesty International reported that at least 20 journalists and 5 independent radio stations were attacked following the November 2008 municipal elections. Various judges aligned with the FSLN have ordered restrictions on coverage of particular legal stories, and in 2008, a group of journalists who investigated corruption allegations faced harassment by the government. The Interior Ministry launched an investigation against 17 nongovernmental organizations (NGOs) for alleged embezzlement and money laundering, with a focus on two groups—the Center for Investigation and Communication and the Autonomous Women's Movement—that were headed by journalists. In 2008, the opposition accused the office of the Communications and Citizenry Council, which oversees the government's press relations and is directed by First Lady Rosario Murillo, of limiting access to information and censoring the opposition. Legal experts and civil society organizations argue that Murillo's role violates the constitution, fosters corruption, and impedes transparency.

Radio remains the main source of information. Before leaving office in 1990, the Sandinistas privatized some radio stations, which were handed to party loyalists. There are six television networks based in the capital, including a state-owned network. Many of the stations favor various political factions. Three national newspapers cover the news from a variety of political viewpoints. Investigative journalism plays a major role in exposing corruption and official misconduct. There is unrestricted access to the internet.

Freedom of religion is respected, and academic freedom is generally honored.

Freedoms of assembly and association are recognized by law and largely upheld in practice. Although NGOs are active and operate freely, the emergence of the CPCs and the political environment have weakened the influence of these institutions. In 2008, several NGOs were the subject of criminal investigations that were reportedly politically motivated. According to the Washington Office on Latin America, human rights advocates accompanying NGO representative to hearings at the public prosecutor's office have been violently attacked by government supporters. Generally, public demonstrations are allowed, though FSLN supporters used violence against antigovernment demonstrators in 2008. For the first time since the 1980s, anti-FSLN demonstrators took to the streets in Managua and Leon in 2008; on July 16, an estimated 20,000 people joined a march in Managua protesting FSLN policies. While these protests were largely peaceful, September anti-FSLN demonstrations in Leon turned violent. Demonstrators calling for a recount after the November municipal elections were attacked by armed FSLN supporters. Opposition members accused the police of partisan behavior and failing to protect demonstrators.

The FSLN controls many of the country's labor unions, but the legal rights of non-FSLN unions are not fully guaranteed, and there are reports of employees being dismissed for union activities. Although the law recognizes the right to strike, unions must clear a number of hurdles first, and the requisite approval from the Ministry of Labor is almost never granted. Employers sometimes form their own unions to avoid recognizing legitimate organizations. Citizens have no effective recourse when labor laws are violated by those in power.

Child labor and other labor abuses in export-processing zones continue to be problems. Child labor occurs most often in the agricultural sector, including on coffee farms. While the government has developed a national plan to eradicate the worst forms of child labor, it had not acted on this plan by year's end.

The judiciary remains dominated by FSLN and PLC appointees. Many judges are susceptible to political influence and corruption, and the courts suffer from long delays and a large backlog of cases. There is only one public defender available for every 60,557 people in Nicaragua, and access to justice is especially deficient in rural areas and on the Caribbean coast.

The conduct of security forces continues to improve, reflecting enhanced civilian control. However, abuses of human rights still occur, and law enforcement officials allowed progovernment groups to violently attack protestors with impunity following the November 2008 municipal elections.

Forced confessions to the police remain a problem, as do arbitrary arrests. Insufficient funding of the police affects performance and has led to a shortage of officers. Prison conditions continue to be poor, and the facilities are underfunded. Nicaragua remains an important transshipment point for drugs moving north from South America. However, the police have been active in preventing drug-trafficking operations and are recognized for their commitment to fighting organized crime.

Nicaragua nominally recognizes the rights of indigenous communities in its constitution and laws, but those rights have not been respected in practice. Approximately 5 percent of the population is indigenous and lives mostly in the Northern Atlantic Autonomous Region (RAAN) and Southern Atlantic Autonomous Region (RAAS). The government has taken no known steps to comply with a 2005 ruling by the Inter-American Court of Human Rights, which ordered it to pay damages to the Miskito and Sumo indigenous groups after the electoral commission prevented the majority indigenous Yatama party from competing in 2000 municipal elections. During the 2006 regional elections, Yatama, the only regional party, won 16 percent of the vote. The destruction caused by Hurricane Felix in September 2007 highlighted the marginalization of the coastal indigenous groups. In 2008, the CSE postponed municipal elections in seven municipalities of the RAAN; critics said the decision was made to suppress increased anti-FSLN sentiment in the area following the hurricane.

Violence against women and children, including sexual and domestic abuse, remains a widespread and underreported problem. In 2007, the legislature reaffirmed Nicaragua's total ban on abortions, enacted in 2006; the ban makes abortion punishable by imprisonment, even when it is performed to save the mother's life or in cases of rape or incest. According to a report by U.S. public television's *Frontline* program, at least 80 women died as a result of the ban during its first year of implementation. In 2008, nine leaders of women's rights groups faced criminal charges for helping a nine-year-old incest victim obtain an abortion in 2003, before the ban was

enacted. Members of the women's movement called the charges an attempt to intimidate women's rights groups.

According to the U.S. State Department, Nicaragua is a source for the trafficking of women and children for the purpose of prostitution. Government ministries and civil society groups have been working to raise awareness of the problem, improve the repatriation of victims, and compile reliable statistics on the extent of trafficking in the country.

## Niger

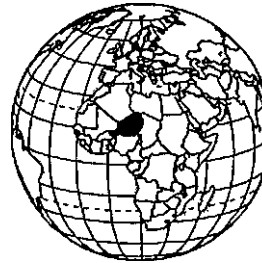
**Population:** 14,700,000

**Capital:** Niamey

**Political Rights:** 3

**Civil Liberties:** 4

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	4,4PF	4,4PF	4,4PF	4,4PF	3,3PF	3,3PF	3,3PF	3,4PF	3,4PF

### Overview:

A state of emergency remained in effect in the north during 2008, as fighting between the government and Niameg rebels continued. Separately, former prime minister Hama Amadou was detained in June on embezzlement charges, which some members of the ruling party claimed were politically motivated.

After gaining independence from France in 1960, Niger was governed by a series of one-party and military regimes. General Ali Seibou took power in 1987, but his one-party regime yielded to international pressure and prodemocracy demonstrations, and a new constitution was adopted by popular referendum in 1992. Mahamane Ousmane of the Alliance of Forces for Change was elected president in 1993, but he was overthrown in January 1996 by Colonel Ibrahim Bare Mainassara, who became president in a sham election six months later.

After members of the presidential guard assassinated Mainassara in April 1999, the guard commander led a transitional government that organized a constitutional referendum in July and competitive elections in November. Retired Lieutenant Colonel Mamadou Tandja, supported by the National Movement for a Developing Society (MNSD) and the Democratic and Social Convention (CDS), was elected president in generally free and fair elections, and the MNSD and the CDS won a majority of seats in the National Assembly.

Tandja, the MNSD's candidate, was reelected in December 2004, and in concurrent legislative elections, four parties joined the MNSD and CDS to secure 88 of the National Assembly's 113 seats. Tandja was credited with returning Niger to relative



economic and political stability after years of turbulence. In October 2005, the government began implementing an economic assistance program for former Tuareg rebels in the north, the final phase of a 1995 peace accord that ended fighting between ethnic Tuareg and government forces.

In February 2007, new fighting broke out between the government and the Movement of Nigeriens for Justice (MNJ), a Tuareg rebel group calling for more equitable resource distribution. Some 45 civilians were killed in the violence during the year. Tandja's government refused to negotiate with the rebels, whom it characterized as bandits and drug traffickers. In August 2007, the government imposed state of emergency in the vast northern Agadez region that was ultimately extended through the end of the 2008. Libyan-led mediation efforts in August 2008 yielded a temporary cessation of hostilities, but clashes resumed in October. Although clashes lessened in frequency by year's end, the state of emergency remained in effect in the north.

Also during 2008, corruption allegations against former prime minister Hama Amadou created tensions within the MNSD. Amadou had resigned in May 2007 after accusations that government ministers had misused public funds led to a vote of no confidence. In June 2008, legislators revoked Amadou's immunity from prosecution, and he was arrested three days later on suspicion of embezzlement. He and his supporters within the MNSD argued that the case was designed to prevent him from running for president in 2009, as he was seen as Tandja's likely successor. In October, three judges in Amadou's trial were dismissed, forcing it to start again with new judges.

Niger remains one of the world's poorest countries, and recurrent droughts, floods, and locust invasions increase the fragility of poor rural households. Niger has received debt relief through the Heavily Indebted Poor Countries Initiative, and in March 2008, the government signed a \$23 million agreement with the U.S. Millennium Challenge Corporation, which will fund programs to improve girls' access to education, reduce corruption, and simplify the process of establishing businesses and accessing land. In June, the government also signed a \$5 billion deal with the Chinese National Petroleum Corporation to explore for oil and build a refinery and a pipeline in the south, but the agreement was criticized for a lack of transparency. Niger continues to work with the U.S. government on counterterrorism and security programs.

### **Political Rights and Civil Liberties:**

Niger is an electoral democracy. Observers considered the national polls held in 1999 and 2004 to be largely free and fair. The president chooses the prime minister from a list of three candidates presented by the majority party or coalition in the unicameral National Assembly. Of the legislature's 113 members, 105 are elected by proportional representation in eight geographical districts, and 8 are elected in single-member constituencies. All members serve five-year terms.

There are 24 registered political parties in Niger, and 10 are currently represented in the National Assembly. Leaders have made efforts to include members of ethnic minorities and nomadic groups in positions of authority.

Corruption is a continuing problem. Although authorities have taken steps to remove or prosecute public officials accused of corruption, some of these actions appear to be politically motivated. Niger was ranked 115 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Constitutional guarantees of freedom of expression are often not respected in practice. Authorities regularly use libel laws to silence journalists who criticize the government, and conditions for the independent media deteriorated considerably in 2007 and 2008 due to the government's attempts to control coverage of the Tuareg rebellion. In March 2008, the High Council for Communication (CSC), Niger's media regulator, suspended retransmission of Radio France International for three months. This followed the service's show of solidarity with Moussa Kaka, a correspondent who had been imprisoned since September 2007 for his coverage of the rebels. In April, the CSC indefinitely suspended a key private radio station in the Agadez region, Sahara FM, due to its reporting on possible abuses by Nigerien soldiers. Authorities also closed a press resource center in Niamey in July, claiming that it was under "external" influence, and suspended the private broadcaster Dounia for one month in August, possibly because of its favorable coverage of detained former prime minister Hama Amadou. Several journalists arrested in 2007—including four foreign reporters and *Air Info* editor Ibrahim Diallo—were released during 2008, and while Moussa Kaka was released in October after his case was dismissed, he still faced a new trial on lesser charges. In addition to government harassment, media workers have encountered physical dangers associated with the insurgency; a land mine blast in the capital killed a radio journalist in January 2008. Although the government does not restrict internet use, less than 1 percent of the population has access to the medium.

Freedom of religion is generally respected, but Muslims are not uniformly tolerant of minority religions. Islam is practiced by over 90 percent of the population. Academic freedom is guaranteed in principle but not always observed in practice.

Constitutional guarantees of freedoms of assembly and association are largely upheld, but authorities restricted the operations of some nongovernmental organizations (NGOs) following the outbreak of fighting with rebels in 2007. In July 2008, the interior minister suspended the activities of Doctors Without Borders without providing a formal reason. In addition, due to a ban on nonmilitary personnel in the Air Mountains region, humanitarian organizations have been forced to distribute assistance through local authorities. Separately, several thousand protesters demonstrated in June 2008 against the rising cost of living and the government's failure to end the rebel uprising.

The constitution and other laws guarantee workers the right to join unions and bargain for wages, although over 95 percent of the workforce is employed in subsistence agriculture and small trading.

The constitution provides for an independent judiciary, and courts have shown some autonomy. However, the system is overburdened and subject to executive and other interference. Public prosecutors are supervised by the Ministry of Justice, and the president has the power to appoint judges. Judicial corruption is fueled partly by low salaries and inadequate training. Although respect for human rights has generally improved under President Mamadou Tandja, prolonged pretrial detention is common, and police forces are underfunded and poorly trained. Prisons are characterized by overcrowding and poor health and sanitary conditions. Amnesty International has reported that soldiers have arbitrarily detained and executed civilians in the Agadez region in retaliation for rebel attacks.

Discrimination against ethnic minorities persists, despite constitutional protec-

tions. The Hausa and Djerma ethnic groups dominate government and business, although other major groups are represented at all levels of government. Instances of "hate speech" against specific ethnic groups have been investigated and prosecuted by the government. Nomadic peoples continue to have poor access to government services.

A 2002 quota system requiring political parties to allocate 10 percent of their elected positions to women has increased their representation. Women continue to suffer societal discrimination, however, especially in rural areas. Family law gives women inferior status in property disputes, inheritance rights, and divorce. In the east, some women among the Hausa and Peul ethnic groups are rarely allowed to leave their homes without a male escort. Although sexual harassment was criminalized in 2001, domestic violence is reportedly widespread. Female genital mutilation was criminalized in 2003, and perpetrators face up to 20 years in prison. A recent government survey noted a decline in the practice between 1998 and 2006, in part due to advocacy efforts by NGOs. Abortion is prohibited under all circumstances.

Although the government criminalized slavery in 2003, with penalties of up to 30 years in prison, as many as 43,000 people still live in conditions of servitude. According to the U.S. State Department, the government has been slow to raise public awareness of slavery and eliminate the practice. In October 2008, a court associated with the Economic Community of West African States ordered Niger to pay about \$19,000 in damages to a former slave, Hadijatou Mani, finding that the authorities had failed to protect him from being sold into slavery as a child. Niger is a source, transit, and destination country for children and women trafficked for forced labor and sexual exploitation, according to the U.S. State Department. The government has made efforts to raise public awareness of trafficking and to reduce child trafficking, but legislation proposed in 2006 to criminalize all forms of trafficking has not yet been enacted by the end of 2008.

# Nigeria

**Population:** 148,100,000

**Capital:** Abuja

**Political Rights:** 5\*

**Civil Liberties:** 4

**Status:** Partly Free



**Ratings Change:** Nigeria's political rights rating declined from 4 to 5 due to the ruling party's increasing consolidation of power and marginalization of the opposition, as evidenced by the Supreme Court's rejection in December of opposition challenges to the results of the deeply flawed 2007 presidential election.

## Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,3PF	4,4PF	4,5PF	4,5PF	4,4PF	4,4PF	4,4PF	4,4PF	4,4PF	5,4PF

## Overview:

Despite an inundation of legal challenges to the results of the widely criticized 2007 elections, the ruling People's Democratic Party (PDP) retained its dominance of the political system in 2008. After a long delay, the Supreme Court in December rejected opposition appeals regarding the presidential election, confirming the victory of the PDP's Umaru Yar'Adua. Meanwhile, Nigerian media remained active despite government harassment and the detention of journalists, the anticorruption chief was dismissed from his post, and violence in the oil-rich Niger Delta region continued during the year.

The military has ruled Nigeria for much of its history since independence from Britain in 1960. Beginning with the first military coup in 1966, military officers have claimed that their intervention was necessary to control simmering tensions among the country's 250 ethnic groups, as well as between religious communities. Muslims, who live mostly in the north, make up 50 percent of the population, while Christians, who dominate in the south, account for most of the remaining 50 percent. Ethnic and regional tensions led to the attempted secession of Nigeria's oil-rich southeast as the Republic of Biafra in 1967, which touched off a bloody three-year civil war and a devastating famine that together caused more than one million deaths.

After several years of military rule under General Ibrahim Babangida, the country held a presidential election in June 1993. Moshood Abiola, a Muslim Yoruba from the south, was widely considered the winner, but Babangida annulled the election. A civilian caretaker administration governed briefly until General Sani Abacha, a principal architect of previous coups, took power in November 1993. Abacha dissolved all democratic structures and banned political parties, governing through a predominantly military Provisional Ruling Council (PRC). Abiola was jailed in 1994 and ultimately died in detention, just weeks after the unexpected demise of Abacha in 1998.

General Abdulsalami Abubakar emerged as the new military leader and promised to oversee a transition to civilian rule. In 1999, Olusegun Obasanjo—a former general who had led a military regime from 1976 to 1979 and spent a number of years in prison under Abacha—won a presidential election on the ticket of the People's Democratic Party (PDP), which also captured the most seats in both the Senate and the House of Representatives.

Nigeria made its first transition from one elected government to another when Obasanjo won a second term in April 2003. The elections were preceded by violence, and observers documented widespread irregularities and fraud. Obasanjo, a southern Christian, took 62 percent of the vote, defeating 19 opposition candidates. His main competitor was former general Muhammadu Buhari, a northern Muslim and member of the All Nigeria Peoples Party (ANPP), who won 32 percent. Buhari filed a petition on behalf of the opposition to nullify the election results, but the Supreme Court in 2005 unanimously rejected the challenge, saying the documented fraud was not enough to have changed the vote's outcome.

Preparations for the 2007 presidential, gubernatorial, and legislative elections were tumultuous and occasionally violent. In May 2006, the legislature defeated a proposed constitutional amendment that would have allowed Obasanjo to run for a third term. Vice President Atiku Abubakar, who had publicly opposed the amendment, announced his intention to run for president, but his candidacy was threatened by corruption charges that he claimed were politically motivated. The opposition Action Congress (AC) party nominated him as its presidential candidate in December, and the Supreme Court cleared him to run just five days before the election. Umaru Yar'Adua, the Muslim governor of northern Katsina State who was widely perceived as Obasanjo's pick, overcame 21 opponents to win the PDP nomination, while the ANPP again chose Buhari as its candidate.

The final results from the April 2007 elections gave the PDP 29 out of 36 governorships in state elections amid eyewitness reports of massive vote-rigging and fraud. Presidential and legislative elections held a week later were marred by violence; at least 200 people were killed in election-related violence during the two polls, with victims including police and several candidates. International and local election monitors were scathingly critical of the vote, and opposition parties refused to accept the results, which gave Yar'Adua 70 percent of the presidential ballots, Buhari 19 percent, Abubakar 8 percent, and the Progressive People's Alliance candidate, Orji Uzor Kalu, 2 percent.

The PDP also won the legislative vote, taking 87 out of 109 Senate seats and 263 out of 360 House seats. The ANPP took 14 Senate seats and 63 House seats, while the AC took 6 Senate seats and 30 House seats; the remainder went to three smaller parties, the Progressive People's Alliance (1 seat in the Senate, 3 in the House), the Accord Party (1 Senate seat), and the Labour Party (1 House seat).

The presidential and legislative results drew a raft of legal challenges that were adjudicated by election officials as well as the court system, with many appeals stretching well into 2008. On December 12, 2008, the Supreme Court delivered its final ruling on the presidential contest, repudiating the opposition complaints and upholding Yar'Adua's victory. Separately, in a rare instance of an opposition candidate unseating a PDP rival through the appeals system, an appeals court in November overturned the election of Edo state governor Oserheimen Osunbor of

the PDP based on "voting irregularities," declaring the AC's Adams Oshiomhole the rightful governor.

Nigeria's economy is dominated by oil, which accounts for 95 percent of export revenues and almost all foreign investment. However, it is estimated that nearly \$400 billion in oil revenue has been stolen or squandered since Nigeria's independence in 1960. Infrastructure projects often stall prior to completion as budgets are depleted by graft. Wealth and political power are concentrated in the hands of a narrow elite, and the majority of Nigerians are engaged in small-scale agriculture and other informal activities. Much of the regular violence in the oil-rich Niger Delta region stems from complaints about the unequal distribution of oil revenue, and oil "bunkering" (siphoning and selling crude oil on the black market) remains a common flashpoint.

### Political Rights and Civil Liberties:

Nigeria is not an electoral democracy. According to the constitution, the president is elected by popular vote for no more than two four-year terms. Members of the bicameral National Assembly, consisting of the 109-seat Senate and the 360-seat House of Representatives, are elected for four-year terms. The Brussels-based International Crisis Group found that the general elections of April 2007, "in the view of Nigerians and the many international observers alike, were the most poorly organized and massively rigged in the country's history." The Nigerian Centre for the Environment, Human Rights, and Development (CEHRD) and a coalition of other civil society organizations reported more than 110 incidents of political harassment and violence surrounding the elections in six Niger Delta states, with the majority of incidents committed by PDP supporters or criminal gangs acting on behalf of PDP politicians.

Nearly 50 parties participated in the 2007 elections. The three major political parties are the ruling PDP; the ANPP, which is the largest opposition party and draws its strongest support from the Muslim north; and the AC, an opposition party formed from smaller groups ahead of the 2007 elections. Three other parties are represented in the federal legislature: the Progressive People's Alliance, the Labour Party, and the Accord Party. Although political parties represent a wide array of policy positions and openly engage in debate, they continue to be marginalized by the PDP. In April 2008, the PDP chairman predicted that his party would be in power for another 60 years and said he did not "care if Nigeria becomes a one-party state." Many opposition parties have argued that the Independent National Electoral Commission (INEC) is effectively an extension of the PDP, and in October 2008, the ANPP called on the commission to train leaders of all parties on its election administration procedures and include opposition representatives in any electoral inquiries or rulings.

Corruption remains a serious problem, though the government has taken steps to improve transparency and reduce graft, including the reform of contracting and procurement rules. In September 2008, the former chief executive of U.S.-based contractor KBR admitted his role in channeling more than \$180 million in bribes to Nigeria to secure more than \$6 billion in contracts between 1994 and 2004. Seven former governors were charged with corruption in 2007 on orders from the Economic and Financial Crimes Commission (EFCC), the country's main anticorruption agency. However, EFCC chairman Nuhu Ribadu was removed from his post in December 2007, ostensibly to take a "one-year training course." In June 2008, he was demoted by his own police department, and while attending his graduation ceremony in

November 2008, he was arrested for insubordination for not wearing the uniform pertaining to his lower rank (Ribadu was challenging the demotion in court). Ribadu was officially dismissed from the Nigerian Police force in December 2008. Many observers saw this continued harassment of the former EFCC chairman as retribution from those indicted under his supervision. Nigeria was ranked 121 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech and expression is constitutionally guaranteed and generally respected in practice. However, Nigerian State Security Service (SSS) agents occasionally arrest journalists, confiscate newspapers, and harass vendors, notably when journalists are covering corruption or separatist and communal violence. Local authorities sometimes target those who criticize them. In January 2008, after the offices of Abuja-based weekly *Fresh Facts* were ransacked, both the publication's chairman and a local distributor were detained for several days. The detention was reportedly ordered by the Akwa Ibom state governor due to an upcoming article on his involvement in a housing construction deal under investigation by the EFCC. A reporter and editorial board member with the daily *ThisDay*, Paul Abayomi Ogundeji, was killed outside his home in Lagos in August, making him the second *ThisDay* board member to be murdered in as many years. Also that month, an American filmmaker shooting a documentary in the Niger Delta and his translator were interrogated and detained for 10 days by the SSS. A U.S.-based Nigerian online journalist who wrote frequently about the Delta was arrested by the SSS upon his arrival in Abuja in October 2008 and held for 11 days without charge. Sharia (Islamic law) statutes in 12 northern states impose severe penalties for alleged press offenses. A freedom of information law passed under former president Olusegun Obasanjo's administration continues to be weakened with amendments ranging from new permit requirements to the removal of a clause protecting whistle blowers. The government does not restrict internet access.

Religious freedom is guaranteed by the constitution, but many Nigerians, including government officials, discriminate against adherents of religions other than their own. Religious violence, frequently reflecting regional and ethnic differences and accompanying competition for resources, is common, especially in the more ethnically mixed "Middle Belt" region. Evangelical churches are reportedly growing rapidly in the country.

Academic freedom is guaranteed and generally honored in practice, although government officials frequently pressure university administrators and faculty to ensure special treatment for their family and associates. Nigeria's public education system is dismal; more than a third of the population is illiterate, and less than 60 percent of school-aged children are enrolled.

Freedoms of assembly and association are generally respected in practice. However, protests are often suppressed by state and private security forces, especially demonstrations organized by youth groups or in the Niger Delta. In February 2008, the military issued a warning to discourage protests in the wake of an election appeal decision in favor of the president. Human rights groups report that dozens of pro-secession activists have been killed in the past seven years, and hundreds have been detained.

With the exception of members of the armed forces and those employed in essential services, workers may join trade unions and have the right to bargain collec-

tively. A minimum of 50 workers per enterprise is required to form a trade union, and about 10 percent of the workforce is unionized. Public-health workers struck in 9 of the last 10 years, and a large teachers' strike occurred in August 2008. In late 2008, lawmakers were finalizing a new labor law that proponents said would protect employees from discrimination and harassment.

Nigeria's higher courts are relatively competent and independent, but the judiciary remains subject to political influence and is hampered by corruption and inefficiency, especially at the lower levels. Defendants frequently lack legal representation and are often ill-informed about court procedures and their rights. According to a 2008 Amnesty International report that found systematic human rights abuses in the prison system, 65 percent of inmates are pretrial detainees, with many held for several years, and less than one in seven detainees have had access to a court-appointed lawyer. Human rights groups have alleged that Islamic courts in the 12 northern states with Sharia statutes fail to respect due process rights, which leads to harsh and discriminatory sentences.

Nigeria continues to suffer from abuses by security forces and a climate of impunity. In 2007, a UN special rapporteur on extrajudicial, summary, or arbitrary executions found that "torture and ill-treatment is widespread in police custody." In November 2007, Human Rights Watch pointed out that police "killed half as many 'armed robbery suspects' as they managed to arrest" during a three-month period. The trafficking of drugs and small arms is reportedly on the rise.

The constitution requires government offices to reflect the country's ethnic diversity. The Hausa-Fulani from northern Nigeria generally dominated the military and government from independence until 1999. Although the constitution prohibits ethnic discrimination, societal discrimination is widely practiced, and clashes frequently erupt among the country's many ethnic groups. The results of the 2006 census, the first since 1991, were denounced by southerners for maintaining what they alleged was a false northern majority.

Ethnic minorities in the Niger Delta feel particular discrimination, primarily with regard to distribution of the country's oil wealth. For example, the Ogoni, whose traditional lands hold vast quantities of oil, are among Nigeria's poorest people. Dozens of armed groups and several unaffiliated warlords are active in the region. Militants loyal to former Niger Delta militia leader Mujahid Dokubo-Asari claim to be fighting for political autonomy and a bigger slice of oil revenues for the Delta region, particularly the communities of the Ijaw ethnic group. Kidnappings of oil workers, often for ransom payments that are said to be shared with local government officials, continued throughout 2008. The region's regular oil spills are frequently ignored by oil companies and the authorities.

Nigerian women face societal discrimination, although their educational opportunities have eroded a number of barriers over the years. In some ethnic groups, women are denied equal rights to inherit property, and spousal rape is not considered a crime. Many women are subjected to female genital mutilation (FGM), though the precise incidence is unknown. While the federal government publicly opposes FGM, it has taken no action to ban the practice. Women's rights have suffered serious setbacks in the northern states governed under Sharia statutes. Human trafficking to, from, and within the country for purposes of labor and prostitution is reported to be on the rise. The government in 2004 outlawed human trafficking and set



up an agency to deal with offenders, but existing provisions are insufficient. According to UNICEF, there are 15 million child laborers in Nigeria, with 40 percent of them at risk of being trafficked. Several organizations have reported on an illegal trade in which pregnant teenagers are promised abortions, only to be held until their babies are delivered and sold for an average price of 350,000 Naira (US\$2,400).

## North Korea

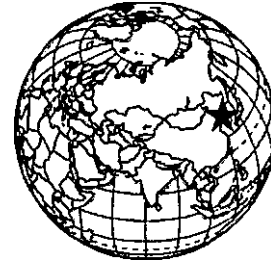
**Population:** 23,500,000

**Capital:** Pyongyang

**Political Rights:** 7

**Civil Liberties:** 7

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF

### Overview:

While North Korea's relations with the United States appeared to thaw in 2008, relations with the South worsened after conservative president Lee Myung-bak took office there in February. Pyongyang expelled South Korean managers from the joint Kaesong industrial complex in April, and North Korean forces shot and killed a South Korean tourist in July. In August, North Korean leader Kim Jong-il was reported to have suffered a stroke, and questions about his health lingered at year's end. North Korea made no progress on human rights in 2008, and experienced severe food shortages in the wake of floods in 2007.

The Democratic People's Republic of Korea (DPRK, or North Korea) was established in 1948 after three years of post-World War II Soviet occupation. The Soviet Union installed Kim Il-sung, an anti-Japanese resistance fighter, as the new country's leader. In 1950, North Korea invaded South Korea in an attempt to reunify the peninsula under communist rule. Drawing in the United States and then China, the ensuing three-year conflict killed at least 2.5 million people and ended with a ceasefire rather than a full peace treaty. Since then, the two Koreas have been on a continuous war footing, and the border remains one of the most heavily militarized places in the world.

Kim Il-sung solidified his control after the war, purging rivals, throwing thousands of political prisoners into labor camps, and fostering an extreme personality cult that promoted him as North Korea's messianic, superhuman "Great Leader." Marxism was eventually replaced by the DPRK's "Juche ideology" (translated as self-reliance), which combined extreme nationalism, xenophobia, and the use of state terror. After Kim Il-sung died in 1994, he was proclaimed "Eternal President," but power passed to his son, "Dear Leader" Kim Jong-il.

The end of the Cold War and its associated Soviet and Chinese subsidies led to the collapse of North Korea's command economy. Although the severe floods of 1995 and 1996 compounded the problem, the famine of the 1990s, which killed at least a million people, was caused by decades of severe economic mismanagement. As many as 300,000 North Koreans fled to China in search of food, despite a legal ban on leaving the DPRK. In 1995, North Korea allowed the United Nations and private humanitarian aid organizations from Europe, North America, and South Korea to undertake one of the world's largest famine-relief operations. Despite continuing food shortages over the next decade, the DPRK in 2005 instructed the UN World Food Programme (WFP) to either switch from humanitarian relief to development assistance or leave North Korea. The DPRK continues to force the international community to bear the burden of feeding its citizens while it devotes resources to its military-first policy.

The economic breakdown prompted the emergence of black markets to deal with the extreme shortages. The degraded state turned a blind eye, allowing illicit trade to flourish. Meanwhile, the regime instituted halting economic reforms in 2002, which included easing price controls, raising wages, devaluing the currency, and giving factory managers more autonomy. More extensive changes, which could ultimately undermine the dictatorship's grip on power, were rejected.

Kim Jong-il's regime was kept afloat by Chinese and South Korean aid, as both neighbors feared that a state collapse could lead to massive refugee outflows, military disorder, the emergence of criminal gangs and regional warlords, and a loss of state control over nuclear weapons.

The DPRK had withdrawn from the Nuclear Non-Proliferation Treaty in 2003, and it raised alarm in the region by testing ballistic missiles and a nuclear device in 2006. In February 2007, the regime agreed to denuclearize in three phases in return for fuel aid and other concessions from its four neighbors and the United States. However, it did not complete the disablement of its nuclear facilities by the end of 2007 as promised, citing delays in aid deliveries and other complaints. North Korea handed over its required "declaration" of nuclear assets in June 2008, and demolished a nuclear cooling tower as a token of good faith. The United States demanded that a verification protocol accompany the asset declaration, but the North refused and threatened to restart its Yongbyon nuclear reactor unless the United States fulfilled its promise to remove North Korea from its list of state sponsors of terrorism. The United States reluctantly agreed to do so, at least temporarily, in October, despite North Korea's lack of progress on human rights. Meanwhile, in February 2008, the New York Philharmonic held a groundbreaking concert in Pyongyang to foster cultural understanding and promote diplomacy.

While North Korea's relations with the United States appeared to thaw, its ties with South Korea broke down after Lee Myung-bak, a conservative, took office as president there in February 2008. Pyongyang expelled South Korean managers from the countries' joint Kaesong industrial complex in April and hundreds of other South Koreans working there in November. In July, DPRK security forces killed a Southern tourist visiting the Mount Kumkang resort. Severe floods in 2007 resulted in acute food shortages in 2008, but Pyongyang rebuffed Seoul's offer of food aid and fertilizer.

In August, credible news reports in South Korea suggested that Kim Jong-il had suffered a stroke. He failed to appear at a military parade marking the 60th anniversary of the founding of the DPRK and at other public functions, and speculation

about his health continued at year's end. Although North Korean authorities have released several photos of Kim Jong II, allegedly on recent inspection tours, to dispel rumors that he is ill, some analysts have claimed that these are not current pictures. Kim Jong II's public appearances have yet to be shown in moving images.

**Political Rights and Civil Liberties:** North Korea is not an electoral democracy. Kim Jong-il has led the DPRK since the 1994 death of his father, founding leader Kim Il-sung. He has many titles but rules as the chairman of the National Defense Commission, the "highest office of state," since the office of president was permanently dedicated to Kim Il-sung in a 1998 constitutional revision. North Korea's parliament, the Supreme People's Assembly, is a rubber-stamp institution elected to five-year terms; the latest elections were held in August 2003. The body meets irregularly for only a few days each year. It last elected Kim Jong-il as National Defense Commission chairman in September 2003. All candidates for office, who run unopposed, are preselected by the ruling Korean Workers' Party and two subordinate minor parties.

North Korea was not ranked in Transparency International's 2008 Corruption Perceptions Index, though corruption is believed to be endemic at every level of the state and economy.

The constitution provides for freedom of speech and the press, but in practice, these rights are nonexistent. All media outlets are run by the state. Televisions and radios are permanently fixed to state channels, and all publications are subject to strict supervision and censorship. Internet access is restricted to a few thousand people with state approval, and foreign websites are blocked. Still, the emergence of black markets has provided alternative information sources. Some entrepreneurs carry cellular telephones, and a significant portion of North Koreans have access to pirated videotapes and DVDs of South Korean dramas that are smuggled in from China. Increasing contacts across the border with China have resulted in an influx of radios capable of picking up foreign broadcasts.

Although freedom of religion is guaranteed by the constitution, it does not exist in practice. State-sanctioned churches maintain a token presence in Pyongyang, and some North Koreans living near the Chinese border are known to practice their faiths furtively. However, intense state indoctrination and repression preclude free exercise of religion as well as academic freedom. Nearly all forms of private communication are monitored by a huge network of informers.

Freedom of assembly is not recognized, and there are no known associations or organizations other than those created by the state. Strikes, collective bargaining, and other organized-labor activities are illegal. Despite these bans, it has been reported that scores of women have banded together to protest government crackdowns on black-market activities—an act that would have been unthinkable just a few years ago.

North Korea does not have an independent judiciary. The UN General Assembly has recognized and condemned severe DPRK human rights violations, including the use of torture, public executions, extrajudicial and arbitrary detention, and forced labor; the absence of due process and the rule of law; death sentences for political offenses; and a large number of prison camps. The regime subjects thousands of political prisoners to brutal conditions, and collective or familial punish-

ment for suspected dissent by an individual is also a common practice. The government operates a semihereditary system of social discrimination whereby all citizens are classified into 53 subgroups under overall security ratings—"core," "wavering," and "hostile"—based on their family's perceived loyalty to the regime. This rating determines virtually every facet of a person's life, including employment and educational opportunities, place of residence, access to medical facilities, and even access to stores.

Freedom of movement does not exist, and forced internal resettlement is routine. Access to Pyongyang, where the availability of food, housing, and health care is somewhat better than in the rest of the country, is tightly restricted. Emigration is illegal, but many North Koreans, especially women, have escaped to China or engaged in cross-border trade. Ignoring international objections, the Chinese government continues to return refugees and defectors to North Korea, where they are subject to torture, harsh imprisonment, or execution.

The economy remains both centrally planned and grossly mismanaged. Corruption is rampant, and the military gamers over a third of the state budget. Development is also hobbled by a lack of infrastructure, a scarcity of energy and raw materials, and an inability to borrow on world markets or from multilateral banks because of sanctions, lingering foreign debt, and ideological isolationism. Ironically, the degradation of the state has provided a very narrow opening for North Korean citizens to participate in the underground economy. This proliferation of black-market trade has given many North Korean citizens a field of activity that is largely free from government control.

There have been widespread reports of trafficked women and girls among the tens of thousands of North Koreans who have recently crossed into China. The UN Commission on Human Rights and the UN General Assembly have noted the use of forced abortions and infanticide against pregnant women who are forcibly repatriated from China.

## Norway

**Population:** 4,800,000  
**Capital:** Oslo

**Political Rights:** 1  
**Civil Liberties:** 1  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

A court in April 2008 handed down Norway's harshest penalty to date for corruption, and a government minister resigned in June following evidence of misconduct. In July,

**20 asylum seekers were injured in an attack on an asylum center near Oslo that may have been ethnically motivated. Tensions between the country's Muslim community and the press resurfaced during the year over issues of freedom of expression and depictions of the prophet Muhammad.**

Norway's constitution, the Eidsvoll Convention, was first adopted in 1814 during a brief period of independence after nearly four centuries of Danish rule. Subsequently, Norway became part of a Swedish-headed monarchy. The country gained independence in 1905 and has since functioned as a constitutional monarchy with a multiparty parliamentary structure. Norway became a founding member of NATO in 1949.

Norwegian citizens narrowly rejected membership in the European Union (EU) in 1972 and 1994, despite government support for joining. Norwegians wanted to preserve their sovereignty and feared that membership would threaten the country's energy, agriculture, and fishing industries. As part of the European Economic Area, Norway has nearly full access to EU markets, and 75 percent of Norwegian exports go to EU countries. However, while Norway has adopted almost all EU directives, it has little power to influence EU decisions.

During September 2005 legislative elections, the center-left Red-Green coalition—led by the Labor Party and including the Socialist Left Party and the "green" Center Party—won 47.9 percent of the vote and 87 of 169 seats. The previous governing bloc—a center-right coalition consisting of the Conservative Party, the Christian People's Party, and the Liberal Party—captured only 26.8 percent of the vote and 44 seats. The other major winner in the elections was the anti-immigration Progress Party, which took 22.1 percent of the vote and 38 seats, making it the single largest opposition party in Parliament. Prime Minister Jens Stoltenberg reshuffled members of his coalition government in October 2007, resulting in a historic female-majority cabinet, with 10 female and 9 male ministers.

In July 2008, up to 50 men infiltrated an asylum center near Oslo wielding steel rods, knives and other weapons, injuring 20 asylum seekers. Authorities suspected that the attacks may have been ethnically motivated and came after a Kurdish asylum seeker allegedly bothered two Chechen women in the center. Overcrowding at the center—which holds 250 asylum seekers—was cited as a possible cause of the violence; there was a 30 percent increase in the number of asylum seekers in Norway in 2008 over the previous year.

Controversy over free speech resurfaced in 2008 when all of the major newspapers refused to reprint the notorious Muhammad cartoons in February along with major Danish papers out of fear of Muslim unrest. The cartoons had caused an international controversy after their first printing in Denmark in 2006, leading to protests across the Muslim world and boycotts of several Danish goods. However, *Adresseavisen*, a regional paper, caused outrage by publishing a cartoon of the prophet Muhammad wearing explosives in June, in response to attacks on the Danish embassy in Pakistan earlier in the month.

**Political Rights  
and Civil Liberties:**

Norway is an electoral democracy. The national Parliament, called the Storting, currently has 169 members, an increase of 4 over the number elected in 2001. The lawmakers are

directly elected for four-year terms through a system of proportional representation. A quarter of the members are then selected to serve as the upper chamber, or Lagting, while the remaining members make up the lower chamber, or Odelsting. Neither body is subject to dissolution. The leader of the majority party or coalition in the Storting is appointed prime minister by the constitutional monarch, currently King Harald V. Although officially the head of state and commander in chief of the armed forces, the monarch performs largely ceremonial duties.

The indigenous Sami population, in addition to participating in the national political process, has its own Consultative Constituent Assembly, or Sameting, which has worked to protect the group's language and cultural rights and to influence the national government's decisions about Sami land and its resources. The government supports Sami-language instruction, broadcast programs, and subsidized newspapers in Sami regions. A deputy minister in the national government deals specifically with Sami issues.

Norway remains one of the least corrupt countries in the world. However, isolated incidents of bribery and misconduct have occurred, and Norway's role in the international energy and mining industries has also received particular scrutiny. In April 2008, a court sentenced businessman Ivar Henriksen to Norway's harshest corruption sentence of eight years imprisonment for embezzling over \$3 million from a drilling-rig contract that his Nedre Romerike Waterworks company had received; Henriksen's son received a four-year sentence on the same charge. It was also revealed that Henriksen owned a hunting farm in South Africa that he had secretly financed with Waterworks money. Separately, the oil and energy minister, Aslaug Haga, stepped down in June when it was revealed that she had been involved in illegal building projects at her summer and permanent homes and had allegedly been involved in back-room dealing to gain support for Winter Olympics in Norway and hiring favoritism for a colleague in her party. Nevertheless, the country's task force against economic and environmental crime revealed in August that new cases were down to 16 in 2008 from 42 the previous year. Norway was ranked 14 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of the press is constitutionally guaranteed. The state subsidizes many newspapers, the majority of which are privately owned and openly partisan, in order to promote political pluralism. A government ban on political advertisements, designed to ensure equal access to the media for all candidates regardless of varying resources, violates the European Convention on Human Rights, which Norway has signed. Internet access is not impeded by the government.

The monarch is the constitutional head of the official Evangelical Lutheran Church of Norway, and at least half of the cabinet must belong to the church. Other denominations must register with the state to receive support, which is determined by size of membership. A course on religion and ethics focusing on Christianity is mandatory for students, but was found to be in violation of international human rights conventions, including the UN's International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights, which prompted the Norwegian government to implement curriculum reforms in 2005 and subsequently consider further reforms. Separately, in March 2006, the UN Human Rights Committee warned that the section of Norway's constitution requiring Evangelical Lutherans

to raise their children in the faith could be a breach of the ICCPR. In January 2006, a State-Church Commission had recommended abolishing the current relationship between the church and state and establishing separate systems. In April 2008, an agreement was reached stating that the country's basic values were based on a Christian and humanistic heritage; the agreement also gives the church the power to select bishops and deans, once the power of the government. Official changes to the constitution are expected in 2009.

The constitution guarantees freedoms of peaceful assembly and association. Norwegians are very active in different nongovernmental and volunteer organizations. Labor unions play an important role in consulting with the government on social and economic issues, and about 60 percent of the workforce is unionized.

The judiciary is independent, and the court system, headed by the Supreme Court, operates fairly at the local and national levels. The king appoints judges on the advice of the Ministry of Justice. The police are under civilian control, and there were no reports of human rights abuses committed by any domestic law enforcement authorities in 2008. Prison conditions generally meet international standards.

Overcrowding in asylum centers has become a concern in Norway and possibly led to the attack on an asylum center near Oslo in July 2008. The year showed nearly a 30 percent increase in asylum seekers over 2007. Polls suggest that discrimination in housing and employment against ethnic minorities is widespread. In 2006, an ombudsman for equality and antidiscrimination was established to counter ethnic and sexual bias; the new post replaced the Center against Ethnic Discrimination, which had previously dealt with these issues.

The Gender Equality Act provides equal rights for men and women. In 2005, 37 percent of the seats in the Storting were won by women, a slight increase over the previous elections. The government reshuffling in 2007 resulted in a historic female-majority cabinet. A law that took effect in 2006 requires that at least 40 percent of board members at about 500 large companies traded on Norway's stock exchange be women. By the end of 2008, 90 percent of companies had complied with the change, and the rest had received written warnings. Some companies have changed their status from publicly traded to ordinary limited to avoid compliance with the new law. Norway is a destination point for the trafficking of women for the purpose of sexual exploitation. The country, however, remains a leader in antitrafficking efforts, according to the U.S. State Department's 2008 Trafficking in Persons Report.

## Oman

**Population:** 2,700,000  
**Capital:** Muscat

**Political Rights:** 6  
**Civil Liberties:** 5  
**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

Following parliamentary elections in October 2007, members of the Consultative Council, a body that has no parliamentary or legislative power, began their four-year terms in 2008. In May, the sultan of Oman decreed an electronic transactions law that expanded government supervision of blogs and other websites.

Except for a brief period of Persian rule, Oman has been an independent state since a native dynasty expelled the Portuguese from Muscat in 1650. After the expulsion, which ended more than a century of Portuguese involvement in the area, the sultan conquered neighboring territories and built a small empire that included parts of the eastern coast of Africa and the southern Arabian Peninsula. The overseas possessions were gradually lost beginning in the mid-19th century.

During the 1950s and 1960s, Oman experienced a period of civil unrest centered mostly in the interior regions of the country. In 1964, a group of separatists supported by Marxist governments, including that of the neighboring People's Democratic Republic of Yemen (South Yemen), started a revolt in Oman's Dhofar province. The insurgency was not completely quelled until the mid-1970s.

Sultan Qaboos bin Said al-Said seized power in 1970 by overthrowing his father, Sultan Said bin Taimur, who had ruled for nearly four decades. The new sultan launched a program to modernize Oman's infrastructure, educational system, government, and economy.

In 1991, Qaboos replaced an appointed State Consultative Council, established in 1981, with a partially elected Consultative Council (Majlis al-Shura) designed to provide the sultan with a wider range of opinions on ruling the country. A limited number of women gained the right to vote and run as candidates in 1994. The 1996 basic law, promulgated by royal decree, created a bicameral parliament consisting of an appointed Council of State (Majlis al-Dawla) and a wholly elected Consultative Council. Only a limited number of citizens selected by tribal leaders were allowed to vote in the first elections. The basic law granted certain civil liberties; banned discrimination on the basis of sex, religion, ethnicity, and social class; and clarified the process for royal succession.

This limited political reform in the 1990s was overshadowed by a stronger ef-



fort, spearheaded by Qaboos in 1995, to liberalize and diversify Oman's oil-dependent economy. In preparation for Oman's accession to the World Trade Organization in 2000, the government lifted restrictions on foreign investment and ownership of enterprises in the country.

In 2003, the sultan decreed universal suffrage for all Omanis over the age of 21. Parliamentary elections were held that year and again in October 2007. However, political reform has continued to lag behind economic reform, with Qaboos maintaining a strong grip on the state.

**Political Rights and Civil Liberties:** Oman is not an electoral democracy. Citizens elect the 84-member Consultative Council for four-year terms, but the chamber has no legislative powers and can only recommend changes to new laws. The Consultative Council is part of a bicameral body known as the Council of Oman. The other chamber, the 59-member State Council, is appointed by the sultan, who has absolute power and issues laws by decree. The sultan serves as the country's prime minister; heads the ministries of Defense, Foreign Affairs, and Finance; and is the governor of Oman's central bank.

Of more than 600 candidates who ran in the October 2007 Consultative Council elections, 21 were women. However, for the first time since women were granted the right to participate in 1994, no female candidates were elected.

Article 34 of the basic law, the country's constitution, states that citizens have the right to address public authorities on personal matters or on matters related to public affairs in a manner consistent with Omani law. Mechanisms exist for citizens to petition the government through local officials, and certain citizens are afforded limited opportunities to petition the sultan in direct meetings. Political parties are not permitted, and no meaningful organized political opposition exists.

Corruption is not perceived to be a serious problem in Oman, although a number of officials were sentenced for graft in 2005. The legal code does not include freedom of information provisions. Oman was ranked 41 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression and democratic debate are limited, and criticism of the sultan is prohibited. Article 61 of the Press Law states that, "every person who sends a message via a means of communication that is contrary to the government system and public morals or that is knowingly untrue ... shall be punished by a prison sentence of not more than one year and a fine of not more than 1,000 riyals," or about US\$2,600. In 2004, the government promulgated the Private Radio and Television Companies Law, which established regulations for setting up private broadcast media outlets, a first for the country. The government permits private print publications, but many of these accept government subsidies and practice self-censorship. Omanis have access to the internet through the national telecommunications company, and the government censors politically sensitive and pornographic content. In May 2008, the sultan issued a decree expanding government oversight and regulation of electronic communications, including communication on personal blogs.

Islam is the state religion, according to the basic law. Non-Muslims have the right to worship, although they are banned from proselytizing. Non-Muslim religious organizations must register with the government. The Ministry of Awqaf (Religious

Charitable Bequests) and Religious Affairs distributes standardized texts for mosque sermons and expects imams to stay within the outlines of these texts. The government restricts academic freedom by preventing the publication of material on politically sensitive topics.

Article 32 of the basic law provides for the right to peaceful assembly within limits. All public gatherings require official permission, and the government has the authority to prevent organized public meetings without any appeal process. The basic law allows the formation of nongovernmental organizations, but civic and associational life remains limited. The government has not permitted the establishment of independent human rights organizations and generally uses the registration and licensing process to block the formation of groups that are seen as a threat to stability.

Oman's 2003 labor law, enacted during negotiations on a 2006 free-trade agreement with the United States, allowed workers to select a committee to voice their demands and represent their interests but prevented them from organizing unions. Employers using child labor face increased penalties, including prison terms, under the law. Additional labor reforms enacted in 2006 brought a number of improvements, including protections for union activity, collective bargaining, and strikes. However, legal provisions covering migrant workers remain inadequate, and domestic servants are particularly vulnerable to abuse.

The judiciary is not independent. It remains subordinate to the sultan and the Ministry of Justice. Sharia (Islamic law) is the source of all legislation, and Sharia Court Departments within the civil court system are responsible for family-law matters such as divorce and inheritance. In less populated areas, tribal laws and customs are frequently used to adjudicate disputes. Many of the civil liberties guarantees expressed in the basic law have not been implemented.

According to the law, arbitrary arrest and detention are prohibited. In practice, the police are not required to obtain an arrest warrant in advance. Government authorities must obtain court orders to hold suspects in pretrial detention, but the police and security services do not regularly follow these procedures. Prisons are not accessible to independent monitors, and former prisoners report overcrowding. The penal code contains broad and vague provisions for offenses against national security. These charges are prosecuted before the State Security Court, which usually holds proceedings that are closed to the public.

Omani law does not protect noncitizens from discrimination. Foreign workers risk deportation if they abandon their contracts without documentation releasing them from their previous employment, meaning employers could effectively keep workers from switching jobs and hold them in a relationship that is open to exploitation. The U.S. State Department lists Oman as a Tier 3 country in its 2008 Trafficking in Persons Report, noting that in 2008, "the Ministry of Manpower received 297 grievances from laborers, including some possible trafficking cases; the ministry negotiated all but 12 of these cases out of court. Oman did not report enforcing any criminal penalties against abusive employers."

Although the basic law prohibits discrimination on the basis of sex, women suffer from legal and social discrimination. Oman's personal status law, based on Sharia, favors the rights of men over those of women in marriage, divorce, inheritance, and child custody. Oman ratified the UN Protocol to Prevent, Suppress, and

Punish Trafficking in Persons, Especially Women and Children, in July 2005. According to official statistics, women constitute only 10 percent of the total labor force in Oman. The sultan appointed three women as government ministers in 2004.

## Pakistan

**Population:** 172,800,000

**Capital:** Islamabad

**Political Rights:** 4\*

**Civil Liberties:** 5

**Status:** Partly Free



**Status Change:** Pakistan's political rights rating improved from 6 to 4, and its status improved from Not Free to Partly Free, due to the end of military rule, parliamentary elections that propelled an opposition coalition to power, and the election of a civilian president.

*Note:* The numerical ratings and status listed above do not reflect conditions in Pakistani-controlled Kashmir, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
7,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	4,5PF

### Overview:

An opposition coalition comprised of the Pakistan People's Party (PPP) and the Pakistan Muslim League-Nawaz (PML-N) soundly defeated the party associated with military ruler Pervez Musharraf in February 2008 parliamentary elections. The coalition formed a government in March, though it soon faced internal disagreements over the issue of reinstating judges dismissed by Musharraf in late 2007. Under threat of impeachment, Musharraf stepped down as president in August, paving the way for the election of PPP leader Asif Ali Zardari to replace him in September. Despite substantial openings in the political environment during the year, a range of human rights abuses—including arbitrary arrests, harassment of journalists, and violations of women's and minority rights—continued to be a concern. In addition, as Islamist militants extended their influence in the country, terrorist violence escalated dramatically.

Pakistan was created as a Muslim homeland during the partition of British India in 1947. Following a nine-month civil war, East Pakistan achieved independence in 1971 as the new state of Bangladesh. The army has directly or indirectly ruled Pakistan for much of its independent history. As part of his efforts to consolidate power, military dictator Mohammad Zia ul-Haq amended the constitution in 1985 to allow the president to dismiss elected governments. After Zia's death in 1988, successive

presidents cited corruption and abuse of power in sacking elected governments headed by Benazir Bhutto of the Pakistan People's Party (PPP) in 1990 and 1996, and Nawaz Sharif of the Pakistan Muslim League (PML) in 1993.

After the PML decisively won the 1997 elections, Sharif, as prime minister, largely ignored Pakistan's pressing economic and social problems while attempting to undermine every institution capable of challenging him, including the judiciary and the press. When he attempted to fire the army chief, General Pervez Musharraf, in 1999, he was deposed in a bloodless coup. Musharraf appointed himself "chief executive," declared a state of emergency, and suspended Parliament, the provincial assemblies, and the constitution. He then neutralized Sharif and Bhutto through a combination of court convictions and exile. The 2002 Legal Framework Order (LFO) gave Musharraf effective control over Parliament and changed the electoral rules to the detriment of opposition parties. The regime also openly promoted progovernment parties, such as the newly formed Pakistan Muslim League Quaid-i-Azam (PML-Q), which captured the largest share of National Assembly seats in the 2002 parliamentary elections and formed the government. The 2004 establishment of a powerful National Security Council (NSC), headed by the president, solidified the military's role in government.

While he managed to contain the secular opposition, Musharraf was less willing to rein in radical Islamist groups with which the military traditionally had a close relationship. Although several groups were banned in September 2001, as Musharraf pledged to support the United States in its antiterrorism efforts, more than 40 groups continued to function under new names, and their leaders were generally not prosecuted. Analysts noted with concern that the influence of Islamist militant groups, some affiliated with the Taliban, was spreading, particularly in the Federally Administered Tribal Areas (FATA), North-West Frontier Province (NWFP), and Baluchistan. Extremists gradually extended their reach to the capital, Islamabad, which led to a full-fledged military siege of the Lai Masjid (Red Mosque) compound in July 2007. Following the assault, Islamist militants throughout Pakistan stepped up their bombing campaigns. In November, the entire Swat valley in NWFP was taken over by fighters loyal to Mullah Fazlullah, a radical Muslim cleric.

The primary political tussle during 2007 was between the president and the judiciary, which had become increasingly independent after years of subservience to the executive. Worried that an activist judiciary could threaten his reelection bid, Musharraf provoked a crisis in March by suspending Chief Justice Iftikhar Chaudhry on the grounds of misconduct and abuse of office. The maneuver backfired when Chaudhry refused to resign, and lawyers mounted large protests to support his cause, prompting harassment of media outlets that covered the demonstrations and politically charged clashes that killed at least 40 people in Karachi in May.

The political crisis deepened in July, when the Supreme Court ruled against Musharraf's suspension of Chaudhry, who was reinstated. A PML-Q majority in Parliament ensured Musharraf's victory in the October presidential election, which proceeded despite the resignation of many opposition lawmakers prior to the vote. However, when the Supreme Court announced that it would issue a ruling on the validity of the presidential election, Musharraf again took preemptive action and imposed martial law on November 3, suspending the constitution and replacing much of the higher judiciary. Under a state of emergency declaration that lasted for 42 days, a range of basic civil liberties were suspended. More than 6,000 civil society

activists, political leaders, and lawyers and judges were arrested soon after the declaration, although the vast majority were released after short periods of detention.

Musharraf was sworn in for a new five-year term as president on November 29, just after resigning as army chief and appointing General Ashfaq Kayani in his stead. The state of emergency was lifted in mid-December and an amended version of the constitution was restored, but some restrictions on the press and the right to assembly remained in place, as did the emasculated judiciary. Following the December 27 assassination of former prime minister Bhutto, who had returned from exile in October, parliamentary elections planned for early January 2008 were postponed until February 18. Shortly after her death, Bhutto's widower, Asif Ali Zardari, assumed de facto leadership of the PPP.

Both the PPP and the PML-N—the faction led by Nawaz Sharif, who had returned from exile in November—alleged that the government and bureaucracy engaged in preelection rigging and harassment. However, the ruling PML-Q was ultimately routed due to Musharraf's personal unpopularity and voter dissatisfaction with the government's handling of radical Islamist violence and major economic problems, including soaring food prices. The PPP led the voting with 97 out of 272 directly elected seats in the National Assembly, followed by the PML-N with 71. The PML-Q won only 42 seats, and a number of ministers lost their races. The Muttahida Majlis-i-Amal (MMA), an alliance of Islamic parties, was also severely weakened at both the national and provincial levels. The PML-N triumphed in its traditional stronghold of Punjab, while the PPP dominated in Sindh and the Awami National Party, a secular and ethnic Pashtun group, won the most seats in NWFP.

In March, the PPP and PML-N concluded a power-sharing deal at the national level and in Punjab province. The two parties agreed on the key priorities of reinstating the judges suspended by Musharraf in November 2007 and stripping the president of his power to dissolve Parliament and dismiss the prime minister. A PPP-backed candidate, Yousaf Raza Gilani, was elected prime minister on March 24. He immediately ordered the release of Chaudhry and nine remaining suspended Supreme Court justices from house arrest. Gilani also announced plans to pursue negotiations with Islamist militants instead of relying solely on military action.

The PPP and PML-N remained divided over the timing and method (executive order or constitutional amendment) of reinstating the dismissed judges, and the PML-N withdrew from the cabinet in May, arguing that the PPP had stalled on the issue. The two parties worked together on initial moves to impeach Musharraf on the grounds of subversion of the constitution and misconduct while in office, prompting Musharraf to resign on August 18. Less than a week later, the PML-N formally ended its coalition with the PPP, accusing it of breaking a promise to immediately reinstate the judges after Musharraf's exit. Although the government did reappoint eight of the judges on August 27, they did not include Chaudhry, leading to speculation that Zardari was concerned about the possible reopening of old corruption cases against him. Zardari won the September 6 presidential election, with 481 of the 702 votes cast; 368 national and provincial lawmakers abstained or boycotted the vote. The PML-N candidate received 153 votes, and the PML-Q took 44.

The security situation in the FATA and in Swat continued to deteriorate in 2008. In May, the government signed a ceasefire deal with a Taliban-allied group in the Mohmand tribal agency, in which militants agreed not to attack the army or govern-

ment officials and the army withdrew from some positions. Some analysts noted that such deals were allowing Islamist militant groups to consolidate their authority over a growing swath of territory.

At the end of June, Pakistani Taliban leader Baitullah Mehsud announced that he would withdraw from any agreements already signed and pull out of peace talks with the central government (an agreement with provincial authorities in NWFP remained in place after they made several concessions, including releasing prisoners). Mehsud also promised to unleash attacks throughout Pakistan, and the growing reach of the extremist threat was made apparent by a massive suicide bomb attack on the Marriot hotel in Islamabad on September 20. More than 50 people were killed and at least 250 were injured in the blast, which destroyed large parts of the heavily guarded building. In response to the wave of terrorist attacks, the central government once again stepped up its military operations. However, civilian casualties stemming from Pakistani military action and U.S. airstrikes had contributed to growing local hostility against both the U.S. and Pakistani governments, while tens of thousands of residents had been forced to flee the tribal areas. The Parliament held an unusual closed-door hearing in October to call for a review of national security policy, stressing the need for consensus among all concerned groups. Late in the year, the military claimed increased success in some of the tribal areas and touted a new strategy of arming local tribes against Islamist extremists.

### Political Rights and Civil Liberties:

Pakistan is not an electoral democracy, though it took significant steps toward that status in 2008. Parliamentary elections in February allowed an opposition coalition to take power, and a looming impeachment process forced military ruler Pervez Musharraf, who had stepped down as army chief in November 2007, to resign his post as civilian president in August. PPP leader Asif Ali Zardari was elected to replace him as president in September.

The bicameral Parliament consists of a 342-seat National Assembly, which has 272 directly elected members and additional seats reserved for women (60 seats) and non-Muslim minorities (10 seats), all with five-year terms; and a 100-seat Senate, most of whose members are elected by the four provincial assemblies for six-year terms, with half up for election every three years. The president is elected for a five-year term by an electoral college consisting of the national and provincial legislatures. The 2002 LFO gave the president the right to unilaterally dismiss the prime minister and the national and provincial legislatures.

The Musharraf government continued to constrain opposition party activity through mass arrests and preventative detention in 2007 and early 2008, and although the 2008 elections marked a distinct improvement over those held in 2002, they were not completely free and fair. State resources and media were used to support progovernment parties and candidates, and inaccuracies in the voter rolls that were noted in 2002 were not corrected. The voting results were generally not displayed at each polling station, allowing for rigging in some areas as the overall constituency results were tallied; the European Union observer mission noted suspicious results in a number of constituencies. Opposition party workers, particularly from the PPP, faced criminal charges and other forms of preelection harassment in addition to police intimidation on election day itself. More than 100 people were killed in attacks on

political gatherings or in clashes between party activists during the campaign period. On the positive side, private media and civil society groups such as the Free and Fair Election Network (FAFEN) played a significant watchdog role, publicizing incidents of violence and otherwise monitoring the conduct of the balloting alongside foreign observers. Moreover, despite the restrictions and irregularities, an opposition coalition managed to take power after a competitive contest, and the overall result reflected the will of the people.

Women's political participation is generally ensured by the provision of reserved seats in the national and provincial legislatures and in local councils, and women won an additional 16 National Assembly seats in the February elections. In some parts of the country, women have difficulty voting and running for office due to objections from social and religious conservatives. Religious minorities also have reserved seats in both the national and provincial legislatures (allotted proportionally to different parties based on their share of the vote). However, members of the Ahmadiyya sect, who are required to register on a separate electoral list, largely boycotted the 2008 elections. Separately, a requirement that all candidates hold either a bachelor's degree or madrasa qualification prevents roughly 95 percent of the population from running for office.

The FATA are subject to special rules under which the president and unelected civil servants are responsible for local governance. Elected councils, set up in 2007 with the intention of increasing local representation, have not altered established decision-making structures. Political parties are not legally allowed to operate in the FATA, although this was disregarded by some religious parties, who openly campaigned there ahead of the 2008 elections.

Pakistan's government operates with limited transparency and accountability, although this has improved somewhat with the resumption of civilian rule. Following the 1999 coup, "army monitoring teams" were established to oversee the functioning of many civilian administrative departments. The army has a stake in continuing to influence both commercial and political decision-making processes, in addition to its traditional dominance of foreign policy and security issues. Serving and retired officers have received top public sector jobs in ministries, state-run corporations, and universities, and they are given a range of other privileges. Nevertheless, the army withdrew several thousand active-duty officers from civilian jobs in 2008. The newly elected Parliament also began functioning more effectively than its predecessor, holding important policy debates on terrorism and overturning key Musharraf decisions.

Corruption is pervasive at almost all levels of politics and government. Under Musharraf, corruption charges were frequently used to punish opposition politicians or induce them to join the progovernment PML-Q party. However, a National Reconciliation Ordinance, passed just ahead of the October 2007 presidential election, provided for an automatic withdrawal of all corruption cases filed against public officials prior to 1999. Zardari, who has been known popularly as "Mr. Ten Percent" due to his reputed skimming of public contracts while his wife was in power, spent eight years in prison on corruption charges, although none have ever held up in court. In March 2008, the last outstanding charge against him in Pakistan was dropped, enabling his more active participation in politics; Swiss charges against him were dropped in August. Pakistan was ranked 134 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While the additional press restrictions imposed as part of the November 2007 state of emergency were eased during 2008, media freedom remained constrained by official attempts to restrict critical reporting and by the high level of violence against journalists. Pakistan has some of the most outspoken newspapers in South Asia, and the opening of a number of new private television stations has diversified the broadcast sector. Some of the new outlets focus on live news, commentary, and call-in talk shows, which serve to inform viewers and shape public opinion regarding current events. In general, the constitution and other laws authorize the government to curb freedom of speech on subjects including the armed forces, the judiciary, and religion; blasphemy laws are occasionally used against the media. Ordinances passed in late 2007 barred the media from publishing or broadcasting "anything which defames or brings into ridicule the head of state, or members of the armed forces, or executive, legislative or judicial organs of the state," as well as any broadcasts deemed to be "false or baseless." Media outlets found to have breached the ordinances faced jail terms of up to three years, fines of up to 10 million rupees (US\$165,000), and cancellation of their licenses. Although the guidelines were routinely flouted in 2008, reform of the legal environment stalled, and the new government continued to engage in sporadic efforts to suspend certain broadcasts or programs. Access to some websites is periodically blocked, particularly those involving Baluchi nationalist issues or other sensitive subjects, and authorities imposed a temporary ban on the video-sharing site YouTube in February.

The physical safety of journalists continues to be a matter of concern, and at least six journalists were murdered in 2008. On a number of occasions, security forces subjected journalists to physical attacks, intimidation, or arbitrary arrest and incommunicado detention. In addition, Islamic fundamentalists and thugs hired by feudal landlords or local politicians harass journalists and attack newspaper offices. Conditions for reporters covering the ongoing unrest in the FATA were particularly difficult during the year, with a number of local and foreign correspondents detained, threatened, expelled, or otherwise prevented from covering events there, either by the Taliban and local tribal groups or by the army and intelligence services.

Pakistan is an Islamic republic, and there are numerous legal restrictions on religious freedom. Blasphemy laws provide steep sentences, including the death penalty, and injuring the "religious feelings" of individual citizens is prohibited. Incidents in which low-ranking police officials take bribes to file false blasphemy charges against Ahmadis, Christians, Hindus, and occasionally other Muslims continue to occur. Ahmadis consider themselves Muslims, but the constitution classifies them as a non-Muslim minority, the penal code severely restricts their religious practice, and other regulations require them to renounce their beliefs in order to vote or gain admission to educational institutions. Authorities occasionally confiscate or close Ahmadiyya publications and harass journalists or printers involved in their production. To date, appeals courts have overturned all blasphemy convictions, but suspects are generally forced to spend lengthy periods in prison, where they are subject to ill-treatment, and they continue to be targeted by religious extremists after they are released. A 2005 amendment requiring that a senior police officer investigate such charges has led to a significant reduction in new blasphemy cases, according to the U.S. State Department's Report on International Religious Freedom, with several dozen cases reported each year.



Religious minorities also face unofficial economic, social, and cultural discrimination, and they are occasionally subjected to violence and harassment. In a growing trend, particularly in Sindh province, Hindu girls are kidnapped, forcibly converted, and then compelled to marry their kidnappers. Terrorist and other attacks on places of worship and religious gatherings occur frequently, leading to the deaths of dozens of people every year. The government often fails to protect religious minorities from sectarian violence, and discriminatory legislation contributes to a climate of intolerance.

The government generally does not restrict academic freedom. However, student groups at a number of universities, typically those with ties to political parties or radical Islamist organizations, attack or otherwise intimidate students, teachers, and administrators and try to influence university policies. Girls' schools, particularly in NWFP, face threats and attacks from religious extremists. Following the November 2007 state of emergency declaration, several university teachers were arrested for engaging in political activities, while many students were harassed, intimidated, beaten, or treated roughly during demonstrations.

Broad legal provisions for freedoms of assembly and association are selectively upheld. Authorities routinely restrict public gatherings, disperse protests using excessive force, and use preventative arrest to forestall planned demonstrations. These practices became particularly stringent during the spring 2007 protests by lawyers and the November 2007 emergency but dropped off somewhat in 2008. Some Islamist leaders have been held under house arrest or in preventive detention under the Maintenance of Public Order ordinance, which allows three months' detention without trial. While the new government has adopted a relatively open stance on these issues, the NWFP government cancelled permission to hold political rallies or religious gatherings in August in response to terrorist and other violence.

Authorities generally tolerate the work of nongovernmental organizations (NGOs) and allow them to publish critical material. However, NGOs that work on issues of female education and empowerment, and female NGO staff in general, have faced threats, attacks, and a number of murders by Islamic extremists, particularly in the north. Citing security concerns, the government has at times prevented aid groups from operating in Baluchistan, exacerbating the humanitarian situation there. Conditions for the NGO community worsened temporarily in November 2007, when a number of leading activists were jailed or placed under house arrest, but improved following the political changes in early 2008. Apart from secular NGOs, Pakistan contains a large number of charitable or cultural organizations, such as the Jamat ud Dawa, that have links to Islamist extremist groups.

The Industrial Relations Act, passed in 2008, allows workers to form and join trade unions of their choice, but it also places some restrictions on union membership, the right to strike, and collective bargaining, particularly for workers in industries deemed essential. Despite legislation outlawing bonded labor and canceling enslaving debts, illegal bonded labor is widespread, particularly in Sindh province. According to news reports, there is a growing trend in which bonded laborers sell organs, particularly kidneys, to repay debts or escape their servitude. The enforcement of child labor laws remains inadequate; recent surveys have indicated that there are at least 10 million child workers in Pakistan, and those found to be employing children often avoid punishment.

The judiciary consists of civil and criminal courts and a special Sharia (Islamic law) court for certain offenses. Lower courts remain plagued by corruption; intimidation by local officials, powerful individuals, and Islamic extremists; and heavy backlogs that lead to lengthy pretrial detentions. Under the military government, the Supreme Court was brought under the control of the executive. Increasing activism by the court, particularly by Chief Justice Iftikhar Chaudhry, led Musharraf to remove Chaudhry in March 2007, but he was reinstated a few months later after lawyers mounted large-scale protests. When the Supreme Court attempted to strike down Musharraf's November 2007 emergency declaration and suspension of the constitution, he dismissed a majority of superior court justices (13 Supreme Court and 30 provincial court justices) and ordered the arrest and detention of Chaudhry. Other judges, lawyers, and legal activists who opposed the executive's actions were also arrested. While most were released in early 2008, Chaudhry was held under house arrest until late March. In June, under the new government, the Supreme Court was expanded from 16 to 29 judges; by year's end, 5 of the 13 dismissed Supreme Court judges were reinstated, 3 retired, and 5 remained off the bench, including Chaudhry.

Other parts of the judicial system, such as the antiterrorism courts, operate with limited due-process rights. A 1999 ordinance vested broad powers of arrest, investigation, and prosecution in a National Accountability Bureau and established special courts to try corruption cases. The Sharia court enforces the 1979 Hudood Ordinances, which criminalize nonmarital rape, extramarital sex, and several alcohol, gambling, and property offenses. They also provide for Koranic punishments, including death by stoning for adultery, as well as jail terms and fines. In part because of strict evidentiary standards, authorities have never carried out the Koranic punishments. Pressure to amend or do away with the ordinances, which are highly discriminatory toward women, has grown in recent years, and the Musharraf government made limited progress toward reversing some of the worst provisions.

The FATA are governed under a separate legal system, the Frontier Crimes Regulation, which allows collective punishment for individual crimes and preventative detention of up to three years and authorizes tribal leaders to administer justice according to Sharia and tribal custom. Feudal landlords and tribal elders throughout Pakistan adjudicate some disputes and impose punishments—including the death penalty or the forced exchange of brides between tribes—in unsanctioned parallel courts called jirgas. In 2004, responding to growing concern over the potential for abuse in this practice, the Sindh High Court banned all trials conducted under the jirga system in the province. However, such proceedings continue to take place. Tensions between national laws and the efforts of provincial assemblies to pass restrictive Islamist legislation remain a problem. Militants in several tribal areas and NWFP's Swat district have reportedly set up their own parallel courts, dispensing harsh penalties with little regard for due process.

Police routinely engage in crime, excessive force, torture, and arbitrary detention; extort money from prisoners and their families; accept bribes to file or withdraw charges; rape female detainees; and commit extrajudicial killings. Prison conditions are extremely poor, with overcrowding a particular problem. Case backlogs mean that the majority of prisoners are awaiting trial. Government critics are particularly at risk of arbitrary arrest, torture, "disappearance," or denial of basic due-process rights. Progress on creating an official human rights commission empowered to investigate

cases and redress grievances has been slow, and although a number of cases are investigated and some prosecutions do occur, impunity remains the norm. Feudal landlords, tribal groups, and some militant groups operate private jails where detainees are routinely maltreated.

Although cases of politically motivated detention and disappearance declined in 2008, the Human Rights Commission of Pakistan (HRCP)—an NGO—estimated that by November at least 1,100 people continued to be illegally detained by state agencies. While some are suspected of links to radical Islamist groups, the detainees have also included Baluchi and Sindhi nationalists, government critics, and some journalists, researchers, and social workers. Intelligence services operate largely outside the purview of the judicial system, and while the Supreme Court took a more active interest in the issue beginning in 2006, ordering the government to either release or lawfully detain prisoners who were being held incommunicado, the ongoing judicial crisis has stalled progress in this area. Government efforts to place the Inter-Services Intelligence Directorate under the control of the Interior Ministry in July 2008 were swiftly quashed by the military.

Press reports estimate that there are tens of thousands of active armed militants in Pakistan. These extremists—members of the Taliban and a number of other Islamist groups—carry out terrorist attacks within Pakistan and in neighboring countries against foreign, Shiite Muslim, and Christian targets, killing at least several hundred civilians each year. Sunni and Shiite fundamentalist groups continue to engage in tit-for-tat sectarian violence, mostly bomb attacks against places of worship and religious gatherings. The New Delhi-based South Asia Terrorism Portal (SATP) reported that 306 people were killed and 505 were injured in sectarian violence in 2008, a modest decline from the previous year.

The army and security forces (with support from the United States) have conducted intermittent campaigns against militants in the tribal areas since 2002, and human rights abuses associated with these operations—including arbitrary detention, property destruction, killing or displacement of civilians, and extrajudicial executions—have grown dramatically in the past several years. Occasional peace deals with militant groups or tribal leaders have allowed militants to create a number of territorial strongholds and increase infiltration into Afghanistan. The security situation continued to deteriorate in 2008, with the Taliban holding more than 100 soldiers and civil servants hostage, killings (including beheadings) proliferating, and several hundred thousand civilians being displaced in parts of the NWFP and FATA. The SATP reported that 6,715 people were killed nationwide in terrorist- or insurgent-related violence in 2008, including 2,155 civilians, 654 security force personnel, and 3,906 militants, more than double the figures from 2007. Major incidents included a suicide bomb attack outside the Lahore High Court in January, several attacks at election rallies in February, and the bombing of Islamabad's Marriott hotel in September.

In addition to violence stemming from the Islamist movement, the separatist Baluchistan Liberation Army (BLA) has routinely attacked infrastructure and development projects since early 2005, while local tribal leaders demand greater political autonomy and control over the province's natural resources. The army in turn has stepped up counterinsurgency operations, leading to human rights violations and the displacement of thousands of civilians. In 2006, the government declared the BLA a terrorist group, and the army killed the 79-year-old Baluchi separatist leader

Nawab Akbar Khan Bugti, prompting increased political instability and rioting. The chief of the BLA was killed by government forces in November 2007; it and other Baluchi separatist groups appear to have grown weaker and more factionalized since Bugti's death. Thousands of activists and other locals perceived to be sympathetic to the separatist cause have been detained since 2004, according to an October 2007 report by the International Crisis Group, although several nationalist leaders were released in early 2008. Separately, violence between the country's various political factions, particularly in Karachi, is an ongoing concern, with dozens of politically motivated killings occurring during the year.

A combination of traditional norms, discriminatory laws, and weak enforcement contributes to a high incidence of rape, domestic abuse, acid attacks, and other forms of violence against women; according to the HRCP, up to 80 percent of women are victims of such abuse during their lifetimes. Female victims of rape and other sexual crimes are often pressured by police not to file charges, and they are sometimes urged by their families to commit suicide. Gang rapes sanctioned by village councils as a form of punishment for crimes committed by the targeted woman's relatives continue to be reported, despite the fact that harsh sentences have been handed down against the perpetrators in some cases. The discriminatory Hudood Ordinances, under which women could be charged with adultery arising from rape cases, were reformed with the passage of the Women's Protection Act in December 2006. Under the new law, a woman is no longer required to produce four Muslim male witnesses to prove rape, and judges are required to try rape cases under criminal law rather than Sharia. However, extramarital sex is still criminalized, and marital rape is not recognized as a crime.

According to the HRCP, at least 612 women were killed by family members in so-called honor killings in 2007, although other local rights groups suspect that the actual number may be much higher, and many more women are otherwise humiliated or maimed. Government-backed legislation enacted in 2005 introduced stiffer sentences and the possibility of the death penalty for honor killings, but activists have questioned the authorities' willingness to aggressively enforce it. The tribal practice of *vani*, in which women are offered in marriage to settle blood feuds between rival families, continues to take place in certain parts of rural Pakistan, although there is growing opposition from the women themselves as well as social activists and religious scholars. It was declared illegal by the Supreme Court in 2004, and in a landmark 2005 judgment, the court ordered local police to offer women protection. Despite legal bans, other forms of child and forced marriage continue to be a problem. Most marriages between people of different faiths are considered illegal, and the children of such unions would be legally illegitimate.

Pakistani inheritance law discriminates against women, who also face unofficial discrimination in educational and employment opportunities. Children's access to education and health care is inadequate, and school attendance and literacy rates are low, despite the presence of a number of local and international NGOs that work to address such problems. The trafficking of women and children remains a serious concern, with females facing forced labor, sexual exploitation, or marriage to significantly older men.

## Palau

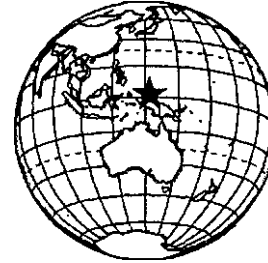
**Population:** 20,000

**Capital:** Melekeok

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review  
(Political Rights, Civil Liberties, Status)**

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**Johnson Toribiong was elected president in November 2008 elections, defeating Elias Camsek Chin, the former vice president. Elections for the Senate and House of Delegates were also held in November. Several prominent officials were charged during the year with misuse of public office and corruption. The future of U.S. assistance to Palau was a salient political issue throughout 2008, with funding scheduled to end in 2009.**

The United States administered Palau, consisting of eight main islands and more than 250 smaller islands, as a UN Trust Territory from 1947 until 1981, when it became a self-governing territory. Palau gained full independence in 1994 under a Compact of Free Association with the United States. The compact stipulates that the United States will grant Palau a total of \$442 million in economic aid for 15 years between 1994 and 2009; allow Palauan citizens to reside, work, and study in the United States and its territories and have access to a variety of federal government programs; and defend Palau in exchange for U.S. military access to the archipelago until 2044. A trust fund was created in 1994 to provide support to Palau when direct U.S. assistance is scheduled to end in 2009.

Tommy Esang Remengesau was first elected president in 2000 and won a second term in the 2004 general election. In a referendum held concurrently with the 2004 polls, voters endorsed the initiation of a constitutional convention in 2005 to consider amendments to the constitution, including restricting parliamentary terms to three years, making legislative posts part-time positions, and switching to a unicameral legislature to save money. The review, completed in 2005, approved 25 proposed amendments for citizens to vote on in the general election on November 4, 2008.

Johnson Toribiong was elected president in the November 2008 elections, defeating Elias Camsek Chin, the former vice president. Parliamentary elections were also held in November. Turnout was high—10,473 out of 14,196 registered voters—to elect new members to the Senate and House of Delegates. All of the 43 candidates for the 9 Senate seats and the 44 candidates for the 16 House seats ran as independents. How to sustain the island's economy, which is highly dependent on U.S. assistance, was the central political issue, as U.S. funding is scheduled to end in 2009.

## Political Rights and Civil Liberties:

Palau is an electoral democracy. The November 2008 presidential and parliamentary elections, in which Johnson Toribiong was elected president, were considered free and fair. The bicameral legislature, the Olbiil Era Kelulau, consists of the 9-member Senate and the 16-member House of Delegates. Legislators are elected to four-year terms by popular vote, as are the president and vice president. The president may serve only two terms consecutively. The country is organized into 16 states, each of which is headed by a governor, and each with a seat in the House of Delegates. The capital, formerly in Koror, was moved to Melekeok in 2006.

There are no political parties, but there are no laws against their formation. The prevalent system of loose political alliances that quickly form and dismantle has had a destabilizing effect on governance in recent years.

Official corruption and abuses are serious problems, and several high-ranking public officials have been found guilty of corruption and misconduct in recent years. To further improve accountability and curb corruption, the legislature in 2007 removed the six-year statute of limitations on filing charges against public officials to allow more time to investigate and prosecute suspects. A U.S. audit reported in June 2008 that the country had made progress in transparency and financial accountability. Nevertheless, a number of prominent public officials were charged during the year with misuse of public funds and corruption, including the directors and officers of the former Pacific Savings Bank and members of the Trustees for the Civil Service Pension Plan and the Melekeok state governor. Palau was not rated in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of speech and the press are respected. There are three major print publications: *Tia Belau* and *Palau Horizon* are English-language weeklies, and *Roureur Belau* is a Palauan weekly. There are five privately owned radio stations and one privately owned television station. Most households receive cable television, which rebroadcasts U.S. and other foreign programs. The internet is accessible without government interference, but diffusion is limited by cost and a lack of access outside the main islands.

Citizens of Palau enjoy freedom of religion. Although the government requires religious organizations to register with the Office of the Attorney General, no application has ever been denied. There have been no reports of restrictions on academic freedom, and the government provides well-funded basic education for all.

Freedoms of assembly and association are respected. Many nongovernmental groups focus on youth, health, and women's issues. No laws or policies bar formation of trade unions. The economy, based largely on subsistence agriculture, is heavily dependent on U.S. aid and rent payments, as well as remittances from citizens working overseas. The government and the tourist industry are the main employers.

The judiciary is independent, and trials are generally fair. A 300-member police and first-response force maintains internal order. Palau has no military. There have been no reports of prisoner abuse or extreme hardship for inmates.

Foreign workers account for about one-third of the population and 75 percent of the workforce. There have been reports of discrimination against and abuse of foreign workers, who are legally barred from changing employers once they are inside Palau; they are paid US\$1.50 per hour compared to US\$2.50 for Palauans. Foreigners are said to use fake marriages to exploit privileges regarding access to the

United States under the compact. There have been reports of human trafficking from China, the Philippines, and Taiwan into Palau as a conduit to the United States.

There is high regard for women in this matrilineal society, in which land rights and familial descent are traced through women. This has allowed many women to be active in both traditional and modern sectors of the economy, as well as in politics. However, there are currently no women represented in the legislature. Domestic violence and child abuse cases are frequently linked to alcohol and drug abuse. The number of cases reported remains small. Prostitution and sexual harassment are illegal; the law prohibits rape, including spousal rape.

## Panama

**Population:** 3,400,000

**Capital:** Panama City

**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F

### Overview:

**In 2008, President Martin Torrijos used executive decrees to enact controversial security reforms during a summer legislative recess, raising concerns about possible militarization and abuse of power. Labor unions staged a nationwide strike in September to protest the reforms as well as poor working conditions, inflation, and the rising cost of living.**

Panama was part of Colombia until 1903, when a U.S.-supported revolt resulted in the proclamation of an independent republic. A period of weak civilian rule ended with a 1968 military coup that brought General Omar Torrijos to power. After the signing of the 1977 Panama Canal Treaty with the United States, under which the canal was gradually transferred to Panamanian control by 1999, Torrijos promised democratization. However, a real transition to democracy would not come for another dozen years.

After Torrijos's death in 1981, General Manuel Noriega emerged as Panamanian Defense Force (PDF) chief. He rigged the 1984 elections to bring the Democratic Revolutionary Party (PRD), then the PDF's political arm, to power. The Democratic Alliance of Civic Opposition (ADOC) won the 1989 elections, but Noriega annulled the vote and declared himself head of state. He was removed during a U.S. military invasion late that year, and ADOC's Guillermo Endara became president.

Both the PRD and the Arnulfista Party (PA)—named after the late former presi-

dent Arnulfo Arias—won elections in the 1990s. Presidential and legislative elections in 2004 returned the PRD to power, with Martin Torrijos, the son of the former strongman, defeating Endara of the Solidarity Party (PS) and a number of other candidates. The PRD also won 42 of 78 National Assembly seats, followed by the PA with 17. Several other parties each captured fewer than 10 seats.

In 2007, Torrijos shuffled his cabinet in the wake of national scandals involving toxic consumer products and poor enforcement of construction safety rules. Construction workers mounted strikes in February 2008 after one of their comrades was shot dead by police during protests over safety standards. Clashes that month between protesters and police resulted in 500 arrests; 30 union members and 16 police officers were injured. The government attempted to respond to public and union demands, issuing a decree to improve health and safety standards for construction workers. In August, Torrijos also announced a series of measures to combat the rising cost of living, including pay increases for public sector workers and an income-tax reimbursement. Critics said the \$36.2 million plan was a PRD attempt to buy back waning popular support.

Separately, during a legislative recess in July and August, Torrijos issued decrees to enact controversial security reforms. They included the creation of a national aero-naval service, a border service, a council for public security and national defense, and a national intelligence service. Panama had abolished its military in 1994. Torrijos also named former soldier Jaime Ruiz to the post of police chief. He argued that the reforms were needed to combat drug trafficking and possible terrorist attacks on the Panama Canal, but opponents warned of a return to Panama's military past and said the changes lacked safeguards against abuse of power. A number of business groups called for the reforms to be rescinded and submitted to the legislature for reconsideration. In September, labor unions and their allies organized the first nationwide strike since 2004, demanding the repeal of the security reforms as well as salary increases and price freezes.

Also during the year, political parties began preparations for the 2009 presidential election, and cabinet ministers who planned to run resigned their positions in keeping with protocol. Former housing minister Balbina Herrera won the PRD's nomination in September.

At the end of 2008, the U.S. Congress had yet to ratify a bilateral free-trade pact signed with Panama in June 2007. One sticking point was the August 2007 election of Pedro Miguel Gonzalez, who was wanted in the United States for a fatal attack on U.S. soldiers in 1992, as president of Panama's legislature. Meanwhile, construction continued on a major expansion of the Panama Canal begun in September 2007; supporters of the project said it would boost Panama's economy, but opponents argued that the funds would be better spent on antipoverty programs, education, and health care. While Panama's economy achieved an 8.3 percent growth rate in 2008, the country registered an estimated 10.6 percent inflation in 2008, its highest rate in over 17 years. Nearly 38 percent of Panamanians live in poverty, and the wealthiest 20 percent make 32 times the average income of the poorest 20 percent.

### Political Rights and Civil Liberties:

Panama is an electoral democracy. The 2004 national elections were considered free and fair by international observers. The president and deputies to the 78-seat unicameral



National Assembly are elected by popular vote for five-year terms. The constitution guarantees freedom for political parties and organizations. The PRD's 2004 electoral victories caused a shake-up of the ideologically similar opposition parties; two new leftist parties formed in early 2007 as an alternative.

In early 1999, Panama's largest political parties agreed to ban anonymous campaign contributions in an effort to stem the infiltration of drug money into the political process. Nevertheless, corruption remains widespread, and 2006 electoral reforms have been criticized as lacking key elements to improve transparency, especially regarding campaign financing. Former president Manuel Noriega completed a U.S. prison sentence for drug trafficking in 2007, but he remained in U.S. custody at the end of 2008 as he fought extradition to France, where he had been convicted in absentia on money laundering charges. Noriega also faced up to 60 years in prison in Panama for embezzlement and corruption convictions.

President Martin Torrijos, who took power in 2004, established a commission to deal with corruption under his predecessor, Mireya Moscoso, and to uncover new abuses. He also implemented a transparency law that had been suspended by Moscoso, but has since worked to limit its scope, preventing the release of minutes from cabinet meetings and asset disclosures by public officials. In 2008, Torrijos came under scrutiny after it was revealed that he had accepted \$1 million from the government of the Dominican Republic between 2001 and 2004. Panama was ranked 85 out of 180 countries surveyed on Transparency International's 2008 Corruption Perceptions Index.

All of the country's media outlets are privately owned, with the exceptions of the state-owned television network and a network operated by the Roman Catholic Church. However, there is a considerable concentration of media ownership among relatives and associates of former president Ernesto Perez Balladares of the PRD. There are five national daily newspapers, and internet access is unrestricted. Panama is notable for its harsh legal environment for journalists. In 2005, the country's restrictive gag rules were repealed and the censorship board was disbanded, but Torrijos in 2007 enacted criminal code reforms that lengthened sentences for offenses including libel.

Freedom of religion is respected, and academic freedom is generally honored.

Freedom of assembly is recognized, and nongovernmental organizations are free to operate. Although only about 10 percent of the labor force is organized, unions are cohesive and powerful. Labor groups mounted a number of protests in 2008, sometimes clashing violently with police but also winning government concessions.

The judicial system remains overburdened, inefficient, politicized, and prone to corruption. Criminal code reforms enacted in 2007 took effect in May 2008, increasing sentences for a number of offenses and raising questions about human rights. The prison system is already marked by violent disturbances in decrepit, overcrowded facilities. The prisoner-to-public ratio is high, with 354 inmates for every 100,000 residents.

The military was formally abolished in 1994. The police and other security forces that remain, while accountable to civilian authorities through a publicly disclosed budget, are poorly disciplined and corrupt. Like the country's prison guards, police officers frequently use excessive force.

The government's counternarcotics campaign has been limited by a lack of re-

sources, weak border enforcement, and corruption. According to the attorney general's office, the number of homicides prosecuted in Panama has increased by 33 percent since 2005. While crime rates have risen overall, the proportion of homicides has grown from 0.3 percent of all crimes between 2000 and 2007, to 1.4 percent in 2008. It is estimated that 90 percent of violent crimes are drug related.

Money laundering, human trafficking, and the presence of Colombian guerrilla and paramilitary forces along the southern border remain causes for concern. Refugees from Colombia have faced difficulty obtaining work permits and other forms of legal recognition. There were approximately 1,900 recognized refugees living in Panama in 2008, mainly Colombians. New immigration rules that took effect during the year tightened controls on foreigners, but other legislation gave recognized refugees who have lived in Panama for more than 10 years the right to apply for permanent residency. This law would apply mostly to long-standing refugees who fled Central American conflicts in the 1980s.

Discrimination against darker-skinned Panamanians is widespread. The country's Asian, Middle Eastern, and indigenous populations are similarly singled out. Indigenous communities enjoy a degree of autonomy and self-government, but some 90 percent of the indigenous population live in extreme poverty. Since 1993, indigenous groups have protested the encroachment of illegal settlers on their lands and government delays in formally demarcating them. In March 2008, nongovernmental organizations condemned the government before the Inter-American Commission on Human Rights for using force and intimidation to displace thousands of indigenous people in connection with a hydroelectric project on the Rio Changuinola.

Violence against women and children is widespread and common. Panama is a source, destination, and transit country for human trafficking. The government has worked with the International Labor Organization on information campaigns addressing the issue, and it has created a special unit to investigate cases of trafficking for the purpose of prostitution. However, the resources dedicated to such efforts remain insufficient. The U.S. State Department's 2008 Trafficking in Persons Report downgraded Panama to the Tier 2 Watch List and found that it does not fully comply with minimum international standards. While Panamanian law does not prohibit all forms of trafficking, it does criminalize trafficking for commercial sexual exploitation; prosecutors obtained the first conviction under that provision in 2007.

## Papua New Guinea

**Population:** 6,500,000

**Capital:** Port Moresby

**Political Rights:** 4\*

**Civil Liberties:** 3

**Status:** Partly Free



**Ratings Change:** Papua New Guinea's political rights rating declined from 3 to 4 due to the government's failure to address increasingly widespread instances of corruption and official abuse of power.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	2,3F	2,3F	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	4,3PF

### Overview:

Several high-ranking public officials in Papua New Guinea (PNG) were implicated in corruption scandals during 2008, including Prime Minister Michael Somare, who faced accusations of involvement in the disappearance of \$30 million in assistance from Taiwan. There was little progress during the year on reducing the country's widespread crime and violence. In June, Bougainville's president, John Kabui, died of a suspected heart attack, and by-elections held at the end of the year resulted in Kabui's replacement by James Tanis. The country's first increase in the official minimum wage in 22 years took effect in December.

Papua New Guinea (PNG), comprising the eastern part of New Guinea and some 600 smaller islands, gained independence from Australia in 1975. In 1988, miners and landowners on Bougainville Island began guerrilla attacks on a major Australian-owned copper mine, and by 1990, the islanders' demands for compensation and profit-sharing became a low-grade secessionist war. Australia and New Zealand brokered a ceasefire in 1998 and a peace treaty in 2001. The treaty called for elections for a semiautonomous Bougainville government and a referendum on independence in 10 to 15 years. Parliament approved a new constitution for Bougainville in 2004, and voters chose John Kabui, an independence advocate, as their first president in 2005. Australia remained deeply involved in recovery efforts, sending observers, peacekeepers, police officers and trainers, and material assistance.

A new preferential voting system, in which voters may choose up to three preferred candidates on their ballots, was fully implemented in the July 2007 general elections. Prime Minister Michael Somare's National Alliance captured 27 of the 109 Parliament seats. Elections were marred by many reports of fraud, lost ballots, attacks on journalists and candidates, and deaths. According to Transparency International and the PNG Institute of National Affairs, the Electoral Commission's list of nearly 4 million registered voters in a country of 6 million people was too high to be

credible, especially when 1.4 million names belonging to deceased persons, minors, and other invalid names were supposedly purged from the old registry. In August, with support from minor parties and independents, the new Parliament elected 71-year-old Somare to a second five-year term.

A major source of controversy for Somare has been his alleged involvement in enabling Julian Moti, an Australian citizen of Fijian origin, to escape to the Solomon Islands; Moti was wanted in Australia for alleged sex crimes with a minor in Vanuatu in 1997 and was arrested in PNG in September 2006. While waiting for extradition to Australia, Moti landed in the Solomon Islands in a PNG military plane in October 2006 and assumed his appointment as the attorney general. Widespread public criticism pressured the PNG defense minister to create a special inquiry board in December 2006, although Somare tried to end the investigation throughout 2007 and dismissed his defense minister. Somare then made himself the acting defense minister, entitling him to receive the board's formal report, which he barred from public release. A leaked copy indicated that one of the report's recommendations was the prosecution of Somare for allegedly assisting in Moti's escape. Somare asked a court to nullify the report, although the court rejected this request and Somare subsequently appealed the ruling. By the end of 2008, an Ombudsman Commission's investigation into the Moti affair still had to complete its work as Somare fought to terminate any investigation into his personal finances.

Kabui died suddenly in June of a suspected heart attack, and a by-election to select a new president was held between November 29 and December 12, 2008. Heavily armed roadblocks stopped residents of some regions from voting, and many voters were unable to cast their ballots because their names were missing from the electoral rolls. On December 28, James Tanis, vice president of Kabui's Bougainville People's Congress, was elected president; he received 2,000 votes more than the second highest polling candidate, Sam Akoitai, a former national government cabinet minister. The victory of Tanis, aged 43, reflected a generational shift in the country's leadership.

Logging and other forms of natural-resource exploitation have spurred economic growth in recent years, but poverty remains widespread. The country suffers from widespread illiteracy and a shortage of trained teachers. In September 2008, however, the government promised to invest \$280 million to expand and improve schools.

In recent years, the government has tightened controls on illegal migrants from Indonesia's Papua Province to avoid aggravating already strained relations with Jakarta. Many Papuans come to PNG to escape the Indonesian military and police or to trade.

**Political Rights and Civil Liberties:** Papua New Guinea is an electoral democracy. Nevertheless, the most recent elections in 2007 were marred by reports of irregularities, fraud, and violence. Voters elect a unicameral, 109-member Parliament to serve five-year terms. The prime minister, the leader of the majority party or coalition, is formally appointed by the governor-general, who represents Britain's Queen Elizabeth II as head of state. A limited preferential voting system that allows voters to rank three candidates by preference recently replaced the first-past-the-post system, which critics claimed was open to bribery.

The major parties are the National Alliance, the United Resources Party, the Papua New Guinea Party, and the People's Progressive Party. Parties do not gener-

ally spell out policy platforms because voting is largely determined by tribal, linguistic, geographic, and personal ties. Many candidates run as independents, aligning with parties after they are elected.

Corruption and abuse of office are severe problems. Although a number of high-profile corruption cases are pursued each year, comprehensive reforms to increase transparency and the rule of law have not occurred. In April 2008, the auditor general stated that corrupt officials have stolen approximately \$318 million annually in recent years. Several prominent officials were involved in corruption scandals during 2008, including Prime Minister Michael Somare, who was implicated in May for involvement in the disappearance of \$30 million in assistance from Taiwan. Somare subsequently attempted to cite executive privilege to avoid investigation into the allegations, although the National Court in June 2008 ruled that the Ombudsman's Commission could continue its investigation into Somare. In April, Isaac Lupari, the finance department's chief secretary, resigned when it was revealed that \$70 million was missing from the department's accounts. In May, Kevin Puruno, the former treasurer for the Southern Highlands province, was arrested and charged with misappropriating US\$95,000. PNG ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech is generally respected. The media provide independent coverage and report on controversial issues such as alleged abuses by police, official corruption, and the views of the political opposition. There are two major daily newspapers and several local weekly and monthly publications. PNG has three state-owned radio stations and several private ones, plus two state-owned and one commercial television stations. In September, a new state-owned television station began broadcasting. The government barred newspapers from reporting on the proposed budget prior to the government's official announcement in December 2008. Digicel, a mobile telephony operator actively expanding its presence in the Pacific, won an operating license in November 2008, effectively ending the government's monopoly on mobile and fixed-line telephony. Access to the internet is not restricted by the government; cost and lack of infrastructure are the main barriers.

The government upholds freedom of religion. Academic freedom is generally respected, but the government does not always tolerate strong criticism.

The constitution provides for freedom of association, and the government generally observes this right in practice. Many civil society groups provide social services and advocate for women's rights, environmental conservation, and other causes. The government recognizes workers' rights to strike, organize, and engage in collective bargaining. Marches and demonstrations require 14 days' notice and police approval. In response to calls by unions and the public, the minimum wage was increased to US\$43 per week (up from about US\$13) effective December 2008; this was the first such increase in 22 years. One day after air traffic controllers went on strike in November 2008 to demand unpaid wages, the government promised to make full compensation, and the strike ended.

The judiciary is independent, and the legal system is based on English common law. The Supreme Court is the final court of appeal and has original jurisdiction on constitutional matters. The National Court hears most cases and appeals from the lower district courts. Laypeople sit on village courts to adjudicate minor offenses under both customary and statutory law. Suspects often suffer lengthy pretrial de-

tentions and trial delays because of a lack of trained judicial personnel. In August 2008, 200 inmates at Buimo jail, the largest correctional facility in PNG, went on a hunger strike to protest the long delays in their cases.

Law enforcement officials have been accused of unlawful killings, extortion, rape, theft, the sale of firearms, and the use of excessive force in the arrest and interrogation of suspects. In 2007, the Ombudsman's Commission named the police department PNG's most corrupt government agency. The correctional service is short of staff, and prison conditions are poor. Prison breaks are not uncommon: more than 60 inmates, including violent criminals, escaped from prisons in 2008. Serious crimes, including firearms smuggling, rape, murder, and drug trafficking, continue to increase. Weak governance and law enforcement are said to have made PNG a base for many Asian organized crime groups. Military control and effectiveness are hampered by a lack of training and equipment, poor morale, low pay, corruption, and disciplinary problems.

Native tribal feuds over land, titles, religious beliefs, and perceived insults frequently lead to violence and deaths. Inadequate law enforcement and the increased availability of guns have exacerbated this problem. Attacks on ethnic Chinese and their businesses have become more frequent in recent years.

Discrimination and violence against women and children are widespread. Females suffer high mortality rates from a lack of basic maternal health services, teenage pregnancy and abortion, pregnancy-related complications, and domestic violence. Although domestic violence is punishable by law, prosecutions are rare, as police commonly treat it as a private matter, and family pressure and fear of reprisal discourage victims from pressing charges. Women are frequently barred from voting by their husbands. Only one woman currently sits in the Parliament. HIV/AIDS is a growing threat; an estimated 100,000 people, or 2 percent of the population, are infected, and up to 12 percent of all university students are HIV-positive. Illiteracy and absence of government leadership and resources remain major obstacles to intervention.

## Paraguay

**Population:** 6,200,000  
**Capital:** Asuncion

**Political Rights:** 3  
**Civil Liberties:** 3  
**Status:** Partly Free



**Trend Arrow:** Paraguay received an upward trend arrow due to the increased ability of the opposition to participate in the political process during the presidential election, which led to the first peaceful transfer of power from the long-ruling Colorado Party.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,3PF	4,3PF	4,3PF	4,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

**Fernando Lugo, leader of the coalition Patriotic Alliance for Change (APC) was elected president in April 2008, ending 61 years of governance by the world's longest ruling party—the Colorados. Previously a liberation theologian, President Lugo announced plans to implement far-reaching land reform and has pledged to fight Paraguay's endemic corruption. While he declared his intention not to renew Paraguay's agreement with the International Monetary Fund, Lugo plans to maintain his predecessor's orthodox economic policies. Meanwhile, corruption in the judiciary and harassment of journalists by government officials continued during the year.**

Paraguay, which achieved independence from Spain in 1811, has been racked by a series of crises since authoritarian president Alfredo Stroessner of the right-wing Colorado Party was ousted in 1989 after 35 years in power. The fragility of the country's emerging democratic institutions resulted in nearly 15 years of popular uprisings, military mutinies, antigovernment demonstrations, bitter political rivalries, and continued rule by the Colorados.

Senate leader Luis Gonzalez Macchi assumed the presidency in 1999 after the incumbent fled the country amid murder charges. In December 2002, Gonzalez Macchi offered to leave office three months early, just a week after lawmakers voted to begin impeachment hearings against him for embezzlement. Gonzalez Macchi and many other members of the Colorado Party were also discredited by their failed efforts to reverse the country's downward economic spiral.

Former education minister Nicanor Duarte Frutos of the Colorado Party emerged victorious in the national elections of 2003. After taking office, Duarte moved to take control of the tax, port, and customs authorities to combat tax evasion and smuggling. Paraguay has a highly dollarized banking system, which facilitates the illegal

transfer of funds to offshore accounts. This tax evasion as well as prevalent corruption deprived the state of about two-thirds of its legitimate revenues.

Despite the difficult political environment, Duarte made some progress on his fiscal and tax-reform agenda. In addition to a major tax-reform bill passed in 2004, a personal income tax was enacted by Congress in January 2007. A 2006 standby agreement with the International Monetary Fund (IMF) boosted investor confidence in Paraguay. Duarte did not run for an additional term, which is prohibited by the constitution.

Fernando Lugo, leader of the Patriotic Alliance for Change (APC)—a heterogeneous coalition comprising 20 parties including Christian Democrats, socialists, communists and peasant organizations—was elected president in April 2008 with 42 percent of the vote, taking office on August 15. Lugo's election represented widespread disappointment in the Colorado party, which had failed to address Paraguay's intractable problems of low public security, slow economic growth, endemic public corruption, and a poverty rate of more than 35 percent. His election also raised expectations that the standard of living for Paraguay's poor majority would improve. Known as "bishop to the poor," President Lugo is a former Roman Catholic bishop with radical socialist views. One of his principal goals is to address Paraguay's highly skewed land distribution through ambitious land reform. In the 2007/2008 United Nations Human Development report, Paraguay was ranked 95 out of 177 countries for its Gini Index (measuring income inequality)—worse than nearby Ecuador, Peru, and Brazil. Lugo has pledged not to renew Paraguay's 2006 IMF agreement, which expired this year. However, he began his term pragmatically, appointing a moderate cabinet and committing to orthodox economic policies.

The Authentic Liberal Radical Party (PLRA), part of President Lugo's coalition, performed strongly in the April Congressional elections. While this helped his alliance gain a working majority in Congress, the heterogeneous APC coalition includes both conservative and leftist parties and will be difficult to unify.

### Political Rights and Civil Liberties:

Paraguay is an electoral democracy. The 2008 national elections were considered to be free and fair. The 1992 constitution provides for a president, a vice president, and a bicameral Congress, consisting of a 45-member Senate and an 80-member Chamber of Deputies, all elected for five-year terms. The president is elected by a simple majority vote, and reelection is prohibited. The constitution bans the active-duty military from engaging in politics.

Before Fernando Lugo and the APC came to power in 2008, the Colorado Party ruled Paraguay for over 60 years. The other major political groupings include the Authentic Liberal Radical Party (PLRA), the Beloved Fatherland Party, the National Union of Ethical Citizens, and the National Agreement Party.

Corruption cases languish for years in the courts without resolution, and corruption often goes unpunished as judges favor the powerful and wealthy. High-level corruption cases are a constant in Paraguay's political life. President Nicanor Duarte Frutos's administration worked to curb corruption through his 2007 tax reforms that encouraged the formalization of previously informal economic activity. A personal income tax was introduced, to be implemented in January 2009, and taxes on businesses were lowered to discourage evasion. The administration of Fernando



Lugo has pledged to increase overall transparency in government and reduce corruption, most notably in the judiciary. However, by the end of 2008, no progress on changing Paraguay's corrupt Supreme Court had been made. Transparency International ranked Paraguay 138 out of 180 countries surveyed in its 2008 Corruption Perceptions Index, below all other countries in the Americas save Ecuador, Venezuela, and Haiti.

The constitution provides for freedoms of expression and the press, and the government generally respects these rights in practice. There are a number of private television and radio stations and independent newspapers but only one state-owned media outlet, Radio Nacional, which has a limited audience. Journalists investigating corruption or drug trafficking are often the victims of threats and violent attacks. This climate of insecurity showed no improvement in 2008 as harassment of journalists by government officials continued. Alfredo Alvaros, a political activist and radio commentator who spoke out against drug trafficking on Paraguay's border with Brazil, came under gunfire in April 2008. The attack left Alvaros seriously injured and killed his wife. Vague, potentially restrictive laws that mandate "responsible" behavior by the media also threaten free expression. The government does not restrict use of the internet, nor does it censor internet content.

The government generally respects freedom of religion. All religious groups are required to register with the Ministry of Education and Culture, but no controls are imposed on these groups, and many informal churches exist. The government generally does not restrict academic freedom.

Freedoms of association and assembly were undermined by the government of former president Luis Gonzalez Macchi, which tolerated threats and the use of force against the opposition. However, the constitution does guarantee these rights, and both Presidents Duarte and Lugo have respected these rights in practice. There are numerous trade unions, although they are weak and riddled with corruption. The labor code provides for the right to strike and prohibits retribution against strikers. However, employers often illegally dismiss and harass strikers and union leaders, and the government has failed in practice to address or prevent retaliation by employers against strikers.

The judiciary, under the influence of the ruling party and the military, is highly corrupt. Courts are inefficient and political interference in the judiciary is a serious problem, with politicians routinely pressuring judges and blocking investigations. While the judiciary is nominally independent, 62 percent of judges are members of the Colorado party. In August 2008, a court cleared former general Lino Oviedo of existing assassination charges, which permitted him to compete in the presidential elections and led to allegations of political involvement in judicial decision making. The constitution permits detention without trial until the accused has completed the minimum sentence for the alleged crime. Illegal detention by police and torture during incarceration still occur, particularly in rural areas. Poorly paid and corrupt police officials remain in key posts. Overcrowding, unsanitary conditions, and mistreatment of inmates are serious problems in the country's prisons; the prison population is currently at 179 percent capacity.

The lack of security in border areas, particularly in the tri-border region adjacent to Brazil and Argentina, has allowed organized crime groups to engage in money laundering and the smuggling of weapons and narcotics. In the aftermath of Sep-

tember 11, 2001, attention focused on the serious lack of government control over Paraguay's lengthy and undeveloped land borders and extensive river network. While there are no known terrorist cells in the tri-border area, it is suspected that Lebanese residents living there send money to terrorist-linked groups in the Middle East.

The constitution provides Paraguay's estimated 90,000 indigenous people with the right to participate in the economic, social, and political life of the country. In practice, however, the indigenous population is unassimilated and neglected. Low wages, nonpayment of wages, and lack of access to social security benefits are common. Peasant organizations sometimes occupy land illegally, and landowners often respond with death threats and forced evictions by hired vigilante groups. Violence between landless peasants and the predominantly Brazilian landowners practicing large-scale farming intensified in 2008. Lugo's support for land redistribution has radicalized Paraguay's landless peasant movement, leading to violent clashes between the two groups. Additionally, impoverished indigenous groups in the Chaco region are among the most neglected in the Americas, with the vast majority of homes lacking proper sanitation and drinking water.

An estimated 6 out of every 10 children born in Paraguay are not registered at birth and consequently lack access to public-health and educational services. Sexual and domestic abuse of women continues to be a serious problem. Although the government generally prosecutes rape allegations and often obtains convictions, many rapes go unreported because victims fear their attackers or are concerned that the law will not respect their privacy. Employment discrimination against women is pervasive. Trafficking in persons is proscribed by the constitution and criminalized in the penal code, but there have been occasional reports of trafficking for sexual purposes.

## Peru

**Population:** 27,900,000

**Capital:** Lima

**Political Rights:** 2

**Civil Liberties:** 3

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,4PF	3,3PF	1,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F

**Overview:** The trial of former president Alberto Fujimori for a litany of abuses committed during his authoritarian rule continued throughout 2008. Also during the year, strong economic growth proved insufficient to dampen rising instances of social conflict, and a major influence-peddling scandal led to a cabinet shuffle in October.

Since independence in 1821, Peru has experienced alternating periods of civilian and military rule. Civilians have held office since a 12-year dictatorship ended in 1980. However, that year, a Maoist guerrilla group known as the Shining Path launched a vicious two-decade insurgency. Alberto Fujimori, a university rector and engineer, defeated the novelist Mario Vargas Llosa in the 1990 presidential election.

In 1992, Fujimori, backed by the military, suspended the constitution and dissolved the Congress. A new constitution featuring a stronger president and a unicameral Congress was approved in a state-controlled 1993 referendum following the capture of Shining Path leader Abimael Guzman. Congress passed a law in 1996 that allowed Fujimori to run for a third term, despite a constitutional two-term limit.

Fujimori outpolled Alejandro Toledo—a U.S.-educated economist who had been raised in one of Peru's urban squatter settlements—in the first round of the 2000 presidential election. Toledo boycotted the runoff, pointing to voting irregularities and a campaign of smears, threats, and assaults by supporters linked to the Fujimori government.

Beginning in September 2000, a series of videotapes emerged showing intelligence chief Vladimiro Montesinos bribing opposition congressmen and other figures. As a result, in late November, opposition forces assumed control of Congress, Fujimori fled to Japan and resigned, and respected opposition leader Valentin Paniagua was chosen as interim president.

In the April 2001 congressional elections, Toledo's Peru Posible party won 25 percent of the votes, followed by the Peruvian Aprista Party (APRA) with 19 percent. Toledo bested former president Alan Garcia (1985-90) of APRA in a runoff presidential election held in June. A 2002 decentralization process gave new regional governments almost a quarter of the national budget and a range of powers that had long been concentrated in the capital.

In August 2003, Peru's Truth and Reconciliation Commission reported that the Shining Path was the "principal perpetrator of the human rights violations" during the 1980-2000 civil conflict, but it also accused security forces of serious and repeated atrocities. The report more than doubled the estimated death toll; of the 69,000 killed, nearly three-fourths were residents of poor highland villages.

By mid-2004, polling data showed Toledo to be the least popular president in Latin America, despite steady macroeconomic growth. In June, a special anticorruption court convicted Montesinos, sentencing him to 15 years in prison. Fujimori declared in September that he would run for president in 2006, despite being banned from holding office until 2011. He had remained in Japan, where he had dual citizenship, and was wanted in Peru on charges including murder and kidnapping. In November 2005, Fujimori flew to Chile, where he was immediately detained as Peru requested his extradition.

Much of the 2006 presidential campaign focused on the rise of Ollanta Humala of the Peruvian Nationalist Party (PNP), whose platform appealed to poor, rural, and indigenous groups by calling for state control of "strategic" sectors such as energy and mining and advocating a constitutional overhaul. Humala won the April first round, with Garcia in second place. The PNP, allied with the Union for Peru (UPP) party, led the congressional elections with 45 seats, followed by APRA with 36 and the right-wing National Unity Party (UN) with 17. The pro-Fujimori Alliance for the Future party won 13 seats, giving it influence in a divided Congress.

Humala's chances in the June presidential runoff were hurt by concerns over

his perceived authoritarian bent and his human rights record during the internal conflict. In addition, Garcia used Venezuelan president Hugo Chavez's endorsement of Humala to frighten centrist voters. Although 15 of Peru's 24 regions voted for Humala, Garcia garnered overwhelming support in Lima and won with 52.5 percent of the vote. In November regional elections, locally based independent candidates won in the vast majority of regions.

Once in office, Garcia focused on macroeconomic growth and stability, while also undertaking populist measures such as salary cuts for public officials. In December 2006 he signed a controversial law, originally proposed by the Fujimori bloc, requiring nongovernmental organizations (NGOs) to register with a state agency and detail their funding sources or face fines or suspension. The Constitutional Court in September 2007 struck down key provisions of the law, but relations between the government and civil society remained highly strained.

Fujimori was extradited from Chile in September 2007, and by the end of the year, he had already been sentenced to seven years' imprisonment for his role in ordering an illegal search of Montesinos's home. His trial on more serious charges of having overseen a death squad began in December amid disruptions by his supporters and continued throughout 2008 in a manner that international observers and local rights groups characterized as fair and transparent.

Also during 2008, remnants of the Shining Path, in league with drug traffickers, carried out a series of attacks that left over two dozen police officers dead. The violence, which was focused in the Apurimac-Ene River Valley (VRAE) zone, caused consternation regarding the lack of progress in controlling cocaine production and distribution, as well as controversy over the militarized nature of the government's anticoca efforts in the region.

According to the national ombudsman's office, social conflict, often involving protests driven by the grievances of local communities, increased dramatically in 2008, with nearly 200 active and latent disputes registered by year's end. The largest number were related to environmental issues, but conflicts regarding local and national governments were also frequent. Analysts observed that the government's response generally relied on reaction rather than mediation and early intervention.

In October, evidence of favoritism in the awarding of oil exploration blocks to a Norwegian company triggered a major corruption scandal. The evidence, which consisted largely of illegally taped telephone conversations, suggested a broader pattern of improper deals between officials and private interests. The scandal earned the moniker "Petrogate" and led the entire cabinet to offer resignations; while most ministers kept their posts, Prime Minister Jorge del Castillo, an APRA stalwart, was replaced by the independent, center-left president of Lambayeque region, Yehude Simon. Investigations concerning both the acts of corruption and the illegal recordings were ongoing at year's end.

Economic expansion continued in 2008, with gross domestic product (GDP) growth of over 9 percent, although the global economic crisis later in the year raised doubts about future progress.

### Political Rights and Civil Liberties:

Peru is an electoral democracy. Elections in 2006 were conducted in a generally free and fair atmosphere, according to international observers. Complaints focused on poor legis-

tics and information distribution in rural areas, as well as the disenfranchisement of the roughly one million Peruvians lacking official identification papers.

The president and the 120-member, unicameral Congress are elected for five-year terms. Congressional balloting employs an open-list, region-based system of proportional representation. A measure introduced in 2006 required parties to garner at least 4 percent of the total vote to win seats. Checks on campaign financing were weak, however, and allegations surfaced that drug money played a role in multiple campaigns, particularly during the local elections.

A lack of programmatic coherence and occasional party-switching by politicians have discredited political parties in the eyes of Peruvians, which reinforces the broader trend toward political fragmentation. A series of scandals in 2008 brought Congress's approval rating to below 10 percent.

Indigenous groups, which account for nearly half of the Peruvian population by some measures, have generally sought political expression through nationalism or class-based ideologies rather than ethnic solidarity. However, several political parties have attempted to capture the support of both jungle- and mountain-dwelling indigenous groups.

Corruption is a serious problem. According to an October 2008 survey, 92 percent of Peruvians characterized corruption as "generalized" in politics. A National Anticorruption Office, established in October 2007, was disbanded in August 2008, although Prime Minister Yehude Simon announced a new anticorruption plan in November following the Petrogate revelations. Corruption was blamed in part for slow reconstruction following an August 2007 earthquake in Pisco that killed over 500 people. Peru was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The press is for the most part privately owned and lively. However, journalists face significant limitations and are at times intimidated and even attacked by local officials and private interests. According to the local watchdog Press and Society Institute (IPYS), incidents of violence, intimidation, and other violations of press freedom declined to 106 in 2008, from 121 the previous year. Magaly Medina, the hostess of a television gossip program, received a five-month prison sentence for defamation in October. Low pay leaves journalists susceptible to bribery, while media outlets remain dependent on advertising by large retailers. The government does not limit access to the internet.

The constitution provides for freedom of religion, and the government generally respects it in practice. However, the Roman Catholic Church receives preferential treatment from the state. The government does not restrict academic freedom.

The constitution provides for the right of peaceful assembly, and the authorities uphold this right for the most part. However, in the wake of protests in July 2007, the executive branch issued several decrees that were viewed as impinging on assembly rights, particularly by limiting police responsibility in the event of injury or death during demonstrations. In 2008, eight people were killed by security forces during protests. Freedom of association is also generally respected, but President Alan Garcia and other APRA leaders criticize NGOs for hindering economic development and for a perceived lack of transparency. Some activists also faced questionable legal charges during the year, including antimining activists in the Piura

region and seven citizens who were accused of links to Colombian rebels after participating in a "Bolivarian" regional gathering in Ecuador.

Peruvian law recognizes the right of workers to organize and bargain collectively. Although workers exercise the right to strike, strikers are required to notify the Ministry of Labor in advance, with the result that nearly all strikes are categorized as illegal. Less than 10 percent of the formal-sector workforce is unionized, reflecting a legacy of antiunion hostility by the Alberto Fujimori regime, cuts to public-sector jobs, more flexible labor policies, and other free-market reforms.

The judiciary is among the most distrusted Peruvian institution. After Alejandro Toledo became president in 2001, the Ministry of Justice worked to undo some of the damage wrought by Fujimori, implementing a broad anticorruption campaign and reducing the number of provisional judges. In recent years, investigations of judicial misdeeds have soared, and in 2008, a new Judicial Career Law that improves the entry, promotion, and evaluation system for judges was enacted. However, access to justice, particularly for poor Peruvians, remains problematic. Although the Constitutional Tribunal has earned respect for its independence, it was criticized in 2008 for a decision that evaded the question of whether crimes against humanity—specifically a massacre of Shining Path prisoners during Garcia's first term—can be subject to the statute of limitations.

An estimated 70 percent of inmates are in pretrial detention, and many prisons are severely overcrowded. Since 2006, an adversarial justice system has been gradually introduced with the hope that it will speed up and ensure greater fairness in judicial proceedings. In 2008, police were blamed for a series of extrajudicial killings of presumed criminals in Trujillo. Citizens in the VRAE denounced cases of displacement, torture, and forced disappearances by the military as it sought to eliminate Shining Path remnants in the area.

Peru's military is civilian-controlled but has made uneven progress toward fighting corruption and respecting human rights. The military continues to stall on providing information to investigators regarding human rights violations committed during the internal conflict. In 2008, several APRA lawmakers proposed amnesty measures for security personnel accused of past abuses, but domestic and international criticism stymied the projects.

The election of Toledo, who emphasized his indigenous heritage, was considered a watershed given the prevalent racism among the country's middle and upper classes. However, Garcia's calls to step up exploitation of natural resources have raised indigenous groups' concerns about the environmental effects of mining, logging, and hydrocarbons exploration. In August 2008, Amazonian native groups launched fierce protests against a series of government decrees that would have eased the process of gaining approval for resource exploitation in indigenous communal territories. Congress subsequently repealed two of the most hotly contested decrees.

In recent years, women have advanced into leadership roles in various companies and government agencies. Although legal protections have improved, domestic violence is epidemic, with over half of Peruvian women reporting instances of physical or emotional violence. Forced labor, including child labor, persists in the gold-mining region of the Amazon.

## Philippines

**Population:** 90,500,000

**Capital:** Manila

**Political Rights:** 4

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	3,3PF	3,3PF	4,3PF	4,3PF

### Overview:

High-level corruption scandals inhibited governance in 2008 and generated significant public opposition to the administration. The number of extrajudicial killings declined during the year, and a new army chief with a pledged commitment to human rights was appointed in June. However, a breakdown of peace negotiations between the government and Muslim insurgents plunged the southern provinces into the worst violence since 2003, with more than 600,000 people displaced from their homes by year's end.

The Philippines came under U.S. control in 1898, after centuries of Spanish rule, and won independence in 1946. Once one of Southeast Asia's wealthiest nations, the Philippines has been plagued by insurgencies, economic mismanagement, and widespread corruption since the 1960s. In 1986, a popular protest movement ended the 14-year dictatorship of President Ferdinand Marcos and replaced him with Corazon Aquino, whom the regime had cheated out of an electoral victory weeks earlier.

Aquino's administration ultimately failed to implement substantial reforms and was unable to dislodge entrenched social and economic elites. Fidel Ramos, a key figure in the 1986 protests, won the 1992 presidential election. The country was relatively stable and experienced significant if uneven economic growth under his administration. Ramos's vice president, Joseph Estrada, won the 1998 presidential election by promising concrete socioeconomic reform, but his administration was dogged by allegations of corruption almost from the outset. Massive street protests forced him from office in 2001 after a formal impeachment process failed.

Gloria Macapagal-Arroyo (GMA), Estrada's vice president, assumed the presidency upon his departure, and her political coalition soon won 8 of 13 contested Senate seats and a majority in the House of Representatives in the May 2001 legislative elections. She nevertheless faced questions about the legitimacy of her unelected administration. In the 2004 presidential election, GMA initially seemed to have defeated her challenger by some 1.1 million votes. However, claims of massive electoral fraud quickly circulated. Demonstrations followed, and some members of the administration verified the accusations.

In June 2005, an audiotape of a conversation between the president and election officials surfaced, supporting the previous year's vote-rigging allegations. Many cabinet officials resigned to join a new opposition movement, an ultimately unsuccessful impeachment bid was launched, and frequent protests called for the president's resignation.

The administration mounted several efforts to undercut the opposition movement in 2005, using gag orders, punitive prosecutions, and the announcement of Executive Order 464, which prevented high-level public officials and military officers from testifying before Congress without presidential approval. An alleged coup attempt by a supposed right-left alliance prompted GMA to declare a week-long state of emergency in February 2006. Security forces raided press offices, arrested opposition officials without warrants, and brutally suppressed public protests. The congressional opposition responded with a second unsuccessful impeachment bid that June.

The Commission to Address Media and Activist Killings, also known as the Melo Commission, was established in August 2006 in response to a spate of assassinations earlier that year and to address the larger issue of extrajudicial killings since GMA took office in 2001. A February 2007 report by the commission acknowledged military involvement, but the panel was not empowered to pursue the matter with criminal investigations or prosecutions. A November report by a UN special rapporteur on extrajudicial executions found that a significant number of recent extrajudicial executions of leftist activists were "the result of deliberate targeting by the military as part of counterinsurgency operations against the communist rebels." The abuses were believed to be encouraged by a government mandate to crush the communist insurgency by 2010, blurred lines between legitimate leftist parties and illegal groups affiliated with the rebel New People's Army (NPA), the president's dependence on high-level military support to retain power, and a persistent culture of impunity.

In the May 2007 legislative elections, the propresidential Team Unity (TU) coalition increased its majority in the House of Representatives, ensuring that future impeachment bids would be unlikely to succeed. The Genuine Opposition (GO) coalition increased its majority in the Senate.

GMA was subsequently implicated in a major corruption scandal involving a national broadband contract with the Chinese company ZTE that had been approved by the Philippine and Chinese governments in April 2007. In September, the Supreme Court put a restraining order on the contract. Pro-GMA forces later launched a third impeachment attempt, apparently as a preventative measure linked to a constitutional provision that bars more than one impeachment bid per year. Meanwhile, GMA pardoned former president Estrada in October, a month after the Sandiganbayan, the country's antigraft court, sentenced him to life imprisonment; his conviction had been the first of a former Philippine president.

In November, former navy lieutenant and current senator Antonio Trillanes and Brigadier General Danilo Lim led roughly 20 soldiers in a failed coup attempt. A former vice president and a Roman Catholic bishop joined the men in a live television broadcast to call for GMA's removal from office on the grounds of electoral fraud and corruption.

Political fallout from the ZTE scandal continued in early 2008, with a break in the



long-standing alliance between GMA and House Speaker Jose de Venecia. When de Venecia failed to denounce his son, a major bidder in the ZTE deal, for accusing the president's husband of bribery related to the scandal, GMA's sons (both members of the House) led a successful effort to remove de Venecia from his position in February. As public opposition to the administration mounted, GMA sought to retain the critical support of the Roman Catholic Church by lifting Executive Order 464 in March. For the rest of the year, however, administration allies managed to avoid testifying by invoking executive privilege.

Yet another failed impeachment bid was launched against the president in October, and in a suspicious political maneuver in the Senate in November, likely 2010 presidential candidate Manny Villar was ousted from the top position in the chamber and replaced by Juan Ponce Enrile, a staunch GMA supporter.

As the political turmoil in Manila continued in 2008, peace negotiations between the government and the rebel Moro Islamic Liberation Front (MILF) in the southern provinces broke down completely. The talks, which aimed to end a Muslim insurgency that has plagued the region since the early 1970s, had made some progress in 2007, focusing on the creation of a Bangsamoro Juridical Entity (BJE)—a self-governing expansion of the existing Autonomous Region of Muslim Mindanao (ARMM). The main sticking points involved the number of *barangays* (small administrative units) to be included in the BJE and the need to approve the new entity through a referendum in the affected districts. In July, the MILF agreed to sign an initial agreement on August 5, defining the BJE as the ARMM plus 712 barangays, with a formal vote on inclusion to be held one year later and a formal peace agreement to be signed in November. However, local officials in the barangays set for inclusion joined opposition leaders in calling the agreement unconstitutional, and on August 4, the Supreme Court unanimously imposed a restraining order on the deal.

While the MILF leadership expressed interest in continuing talks, 800 MILF fighters responded to the ruling by occupying five towns and nine villages in provinces bordering the ARMM. When they failed to withdraw in response to a government warning, AFP troops were sent in, and clashes erupted. The government officially called off the peace agreement on August 21, and the negotiating panel was dissolved in September. The conflict reached the highest levels of violence since 2003, with more than 600,000 Filipinos displaced by year's end.

### **Political Rights and Civil Liberties:**

The Republic of the Philippines is not an electoral democracy. The country's democratic status has been degraded by the high level of violence ahead of the 2007 legislative elections; reports of cheating and intimidation during that voting, as well as electoral fraud in the 2004 polls; the thoroughly discredited electoral commission; and coup attempts in 2005, 2006, and 2007. Political violence is typically tied to local rivalries, but is especially common in the ARMM and has also increasingly targeted leaders of legitimate left-wing parties that are perceived to be associated with leftist guerrillas. One far-left party, Bayan Muna, has endured the murders of 125 members since President Gloria Macapagal-Arroyo (GMA) took office in 2001. The fact that no national elections were held in 2008 probably contributed to the year's overall decline in extrajudicial killings. Regional elections in Mindanao were scheduled for

the summer of 2008, but the MILF boycotted the polls to protest continuing infringements on autonomy.

The Philippines has a presidential system of government, with the directly elected president limited to a single six-year term. The current president initially took office in 2001 after military pressure and street protests drove President Joseph Estrada from power. She completed Estrada's first term and then—despite some legal challenges—won her own full term in 2004. Her opponents have repeatedly called for her to step down, partly due to the constitutionally anomalous length of her time in office. GMA in turn has pushed for the creation of a parliamentary system of government with extended term limits.

The national legislature, the Congress, is bicameral. The 24 members of the Senate are elected on a nationwide ballot and serve six-year terms, with half of the seats up for election every three years. The 250 members of the House of Representatives serve three-year terms, with 212 elected by district and the remainder elected by party list. Legislative coalitions are exceptionally fluid, and members of Congress often change affiliation, effectively rendering political parties meaningless. GMA's party, the National Union of Christian Democrats (Lakas), retains control of the ruling People's Power Coalition. The main opposition party is the Struggle for a Democratic Philippines (Laban, or LDP). Administration allies have an overwhelming majority in the House, while the opposition holds a slimmer majority in the Senate.

The Philippines' Commission on Elections (Comelec) is entirely appointed by the president, and with the president's permission, it has the authority to unseat military, police, and government officials. Comelec has been thoroughly discredited since the 2005 audiotape scandal regarding cheating in the 2004 elections. No internal investigation was conducted, and the 2007 legislative elections were overseen by the same tainted officials. Comelec chairman Benjamin Abalos resigned in October 2007 after being accused of bribing a government official to approve the national broadband deal with China's ZTE Corporation.

Corruption, cronyism, and influence peddling are rife in business and government. Despite recent economic reforms, a few dozen leading families continue to hold an outsized share of land, corporate wealth, and political power. Local "bosses" often control their respective areas, limiting accountability and encouraging abuses of power. High-level corruption abounds as well, however. The Fraport airport affair—a mix of corruption allegations and international arbitration cases—continues to prevent the opening of the Ninoy Aquino International Airport's Terminal 3 and has now spanned three administrations. Meanwhile, the ZTE contract scandal has entangled the president; her husband, Mike Arroyo; then economic planning secretary Romulo Neri; former Speaker of the House Jose de Venecia; and then Comelec chairman Abalos. In February 2008, Neri's technical adviser, Rodolfo Lozada, testified that the government had inflated the cost of the ZTE deal by US\$100 million, and that the president herself ordered Neri to ignore Abalos's bribe.

A culture of impunity, stemming in part from a case backlog in the judicial system, hampers the fight against corruption. Cases take an average of six to seven years to be resolved in the Sandiganbayan anticorruption court. GMA's October 2007 pardon of Estrada—widely perceived as a bid to set a favorable precedent for her own treatment on leaving office—reversed what could have been a major step forward for anticorruption efforts in the Philippines. Nevertheless, a greater number

of cases have been filed in recent years against high-profile suspects who were previously seen as untouchable, and a growing number of umbrella organizations have emerged to combat corruption. The country's official anticorruption agencies, the Office of the Ombudsman and the Presidential Anti-Graft Commission (PAGC), have mixed records. Many maintain that the former has been compromised under the current administration, as convictions have declined, while the PAGC lacks enforcement capabilities. The March 2008 withdrawal of Executive Order 464, which had prevented government and security officials from attending congressional inquiries without presidential permission since 2005, was a positive development, but administration allies continued to avoid testifying during the year by invoking "executive privilege" in matters perceived to be tied to national interest. The Philippines ranked 141 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution provides for freedoms of expression and the press. The private media are vibrant and outspoken, although newspaper reports often consist more of innuendo and sensationalism than substantive investigative reporting. The country's many state-owned television and radio stations cover controversial topics and are willing to criticize the government, but they too lack strict journalistic ethics. A study by the Manila-based Center for Media Freedom and Responsibility noted an improved performance by major news organizations in covering the 2007 elections relative to 2004, but it also found "unabashed bias" on the part of government-run television networks. While the censorship board has broad powers to edit or ban content, government censorship is generally not a serious problem. The internet is widely available and uncensored.

Potential legal obstacles to press freedom were raised in 2007, including Executive Order 608, which established a National Security Clearance System to protect classified information, and the new Human Security Act (HSA), which would allow journalists to be wiretapped based on mere suspicion of involvement in terrorism. Libel is a criminal offense, and libel suits have been used frequently in recent years to quiet criticism of public officials. Abalos threatened to file libel charges against Lozada following his testimony in 2008, but had not done so by year's end.

The Philippines remains one of the most dangerous places in the world for journalists to work. According to the Center for Media Freedom and Responsibility, six journalists were killed in connection with their work in 2008, as opposed to three in 2007; the Committee to Protect Journalists has counted a total of 34 journalists killed since 1992 (with a 91 percent impunity rate). Several cases have involved journalists known for exposing corruption scandals or being critical of the government, army, or police. The government in 2006 established a police task force to deal with attacks on journalists, but police are believed to be complicit in many such crimes. In October 2008, murder charges were finally filed against the alleged organizers behind the controversial 2005 killing of investigative reporter Marlene Garcia-Esperat.

Freedom of religion is guaranteed under the constitution and generally respected in practice. While church and state are separate, the country is mainly Christian, with a Roman Catholic majority. The minority Muslim population is concentrated on the southern island of Mindanao and, according to the most recent census, represents roughly 5 to 9 percent of the total population. Muslim provinces are among the most impoverished. Perceptions of relative socioeconomic deprivation and po-

litical disenfranchisement, and resentment toward Christian settlement in traditionally Muslim areas, have played a central role in the Muslim separatist movement. In response to the outbreak of violence in late 2008, Christian vigilante groups that had been dormant since the 1970s reportedly prevented a number of displaced Muslims from returning to their homes. Christian settlers in the areas set for inclusion in the planned BJE had expressed fervid opposition to the idea in July and early August.

Academic freedom is generally respected in the Philippines, and professors and other teachers can lecture and publish freely.

Citizen activism is robust, and demonstrations are common. Permits are required for rallies, but this rule was often ignored until the government adopted a stricter policy in September 2005, in the wake of a protest-backed impeachment attempt in July. The Supreme Court ruled against the new policy in April 2006, calling for the designation of certain areas where permits would not be required. Most antigovernment rallies continue to be dispersed. In February 2008, on the anniversary of the 1986 protests that toppled President Ferdinand Marcos, Filipinos nationwide mounted the largest demonstrations since 2005 to call for GMA's resignation in light of the recent corruption scandals.

The Philippines has many active human rights, social welfare, and other non-governmental groups, as well as lawyers' and business associations. Various labor and farmers' organizations that are dedicated to ending extrajudicial killings and helping families of the disappeared face significant threats in their work, and their offices are occasionally raided. Trade unions are independent, and they may align with international groups. However, in order to register, a union must represent at least 20 percent of a given bargaining unit. Moreover, large firms are stepping up the use of contract workers, who are prohibited from joining unions. Only about 5 percent of the labor force is unionized, including some 20 percent of public employees. Collective bargaining is common, and strikes may be called, though unions must provide notice and obtain majority approval from their members. Violence against labor leaders has increased as part of the spike in extrajudicial killings in recent years, and military threats to union leaders continue to be documented.

Judicial independence has traditionally been strong, particularly with respect to the Supreme Court, but it remained vulnerable in 2008. The court issued two key decisions during the year, one for and one against the government. After the Senate found Neri in contempt in January for refusing to testify in the ZTE case, the Supreme Court ruled in his favor in March, upholding his claim of executive privilege given the national interest in good relations with China. However, the Supreme Court's narrow August decision to strike down the tentative territorial agreement between the government and the MILF was a clear vote against GMA. Prior to 2008, the court had largely ruled against the administration in critical cases. In 2007, it spearheaded efforts to resolve the issue of extrajudicial killings and similar abuses, promulgating the writ of *amparo* (protection) to prevent the AFP from delaying cases by denying that it has a given person in custody.

Human rights lawyers generally describe the newly established writ as a success. It was instrumental in a 2007 case involving two abducted farmers; in 2008, an appeals court ruled that the military was culpable, finding that military investigators had failed to adequately probe the complaint. However, a separate inquiry by the appeals court into the April 2007 abduction of Jonas Burgos—a well-known trainer

of the Peasant Movement of the Philippines—ended in June 2008 without producing any firm judgment.

Rule of law in the country is generally weak. A backlog of more than 800,000 cases in the court system contributes to impunity, and low pay encourages rampant corruption. The judiciary receives less than 1 percent of the national budget, and judges and lawyers often depend on local powers for basic resources and salaries, leading to compromised verdicts. At least 12 judges have been killed since 1999, but there have been no convictions for the attacks. No assassinations of judges were reported in 2008.

The 2007 HSA gives security forces the authority to detain suspects without a warrant or charges for up to three days and sets penalties of up to 40 years in prison for terrorism offenses. Critics have argued that the act's broad definition of terrorism would allow the president to use it against her political adversaries. Other opponents said the law's "compromise" provisions would limit its effectiveness, objecting in particular to rules that would grant 500,000 pesos (US\$11,000) in damages for each day of wrongful detention or asset seizure and similarly significant fines for police officers who wrongfully detain suspects.

Reports of arbitrary and unlawful detention under harsh conditions, disappearances, kidnappings, and abuse of suspects continued in 2008. Mounting evidence has confirmed the AFP's responsibility for many of the numerous killings of leftist journalists, labor leaders, and senior members of legal left-wing political parties in recent years. The killings have been most prevalent in areas where the NPA is perceived to be strong, and AFP members maintain that they are the result of purges within the communist movement. The lack of effective witness protection has been a key obstacle to investigations. About 90 percent of extrajudicial killing and abduction cases have no willing witnesses. Especially problematic is the fact that the Department of Justice oversees both the witness-protection program and the entity that serves as counsel to the military. Similarly, the Philippine National Police, tasked with investigating journalist murders, falls under the jurisdiction of the AFP. No member of the military has been convicted of an extrajudicial killing since President Arroyo entered office.

In June 2008, Lieutenant General Alexander Yano was appointed as the new chief of the armed forces. He demonstrated an early commitment to human rights, including the "human rights of the enemy," marking a significant shift in attitude that was believed to have contributed to a decline in extrajudicial killings in mid-2008. The UN special rapporteur on extrajudicial killings congratulated the government in June for a two-thirds decline in such deaths since the May 2007 elections. Human rights groups noted a rising in deaths later in the year, however.

The Muslim separatist conflict has caused severe hardship for many of the 15 million inhabitants of Mindanao and nearby islands and has resulted in more than 120,000 deaths since it erupted in 1972. Both government and rebel forces have committed summary killings and other human rights abuses. MILF guerrillas have attacked many Christian villages, and the smaller ASG has kidnapped, tortured, and beheaded some civilians. Islamist militants are suspected in a string of bombings on Mindanao in recent years. The escalation of violence in the south in late 2008 displaced more than 600,000 people by year's end. Meanwhile, the communist NPA continues to engage in some executions, torture, and kidnappings in the country-

side, especially in central and southern Luzon. In January 2008, the group carried out a significant attack on a mining company.

Citizens may travel freely, and there are no restrictions on employment or place of residence. The poor security situation inhibits individuals' ability to operate businesses. Ten percent of the population works abroad, and the economy is heavily dependent on remittances.

Women have made many social and economic gains in recent years. The UN Development Programme notes that the Philippines is one of the few countries in Asia to significantly close the gender gap in the areas of health and education. Although more women than men now enter high school and university, women face some discrimination in private sector employment, and women in Mindanao enjoy considerably fewer rights.

The trafficking of women and girls abroad and internally for forced labor and prostitution remains a major problem, despite antitrafficking efforts by the government and civil society. The fact that many women trafficked for illicit labor are heavily indebted by the time they begin working exacerbates the problem. There are reports of bonded labor, especially of children, in black-market trades such as prostitution and drug trafficking. The NPA, the MILF, and the ASG have been accused of using child soldiers.

## Poland

Population: 38,100,000

Capital: Warsaw

Political Rights: 1

Civil Liberties: 1

Status: Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

The Polish parliament ratified the Lisbon Treaty on European Union structural reform in April 2008, but President Lech Kaczynski, who generally opposed closer EU integration, refused to grant his final approval throughout the year. Nevertheless, the president and Prime Minister Donald Tusk of the pro-EU Civic Platform party agreed on a missile defense pact signed with the United States in August, and Kaczynski appeared to drop his resistance to plans for Poland to adopt the euro currency after the global economic downturn took root in the fall.

After being destroyed by its powerful neighbors in a series of 18th-century partitions, Poland enjoyed a window of independence from 1918 to 1939, only to be

invaded by Germany and the Soviet Union at the opening of World War II. The country then endured decades as a Soviet satellite state until 1989, when the Solidarity trade union movement forced the government to accept democratic elections.

Fundamental democratic and free-market reforms were introduced between 1989 and 1991, and additional changes came as Poland prepared its bid for membership in the European Union (EU). In the 1990s, power alternated between political parties with a background in Solidarity and those with communist origins. Former communist Alexander Kwasniewski replaced Solidarity's Lech Walesa as president in 1995 and was subsequently reelected by a large margin in 2000. A government led by the Democratic Left Alliance (SLD) oversaw Poland's final reforms ahead of EU accession, which took place on May 1, 2004.

Law and Justice (PiS), a conservative party with strong anticommunist roots that was headed by identical twin brothers Lech and Jaroslaw Kaczynski, won the September 2005 parliamentary elections. Although Jaroslaw was the formal party leader, Kazimierz Marcinkiewicz was named prime minister-designate to avoid damaging Lech Kaczynski's presidential bid. He duly won the presidential contest in October, and PiS eventually formed a fragile majority coalition with the leftist-populist, agrarian Self-Defense Party (Samoobrona) and the socially conservative, Catholic-oriented League of Polish Families (LPR). Marcinkiewicz was replaced in July 2006 by Jaroslaw Kaczynski. The ruling coalition broke apart in September 2006, only to reform in a weakened state the following month.

The Kaczynskis pressed ahead with their increasingly unpopular policies in 2007, including "lustration" legislation that required as many as 700,000 citizens in positions of authority to declare in writing whether they had cooperated with the communist-era secret service. Refusal to comply would have resulted in a 10-year ban from public office. However, the Constitutional Tribunal struck down many of the law's provisions in May 2007. Political instability continued over the summer as the prime minister fired a number of senior officials, including the deputy prime minister and agriculture minister, Self-Defense Party leader Andrzej Lepper. The dismissals led to the collapse of the governing coalition, and in September, the Sejm (lower house of parliament) voted to dissolve itself, triggering national elections the following month.

Some 55 percent of eligible voters turned out for the polls, the highest rate since the fall of communism, and handed victory to the center-right Civic Platform (PO) party. The PO won 209 seats in the Sejm, followed by PiS with 166, the Left and Democrats (LiD) coalition with 53, and the Polish People's Party (PSL) with 31. The PO and PSL formed a coalition government in November, with PO leader Donald Tusk as prime minister.

The relationship between Tusk and Lech Kaczynski remained tense in 2008, as the president resisted the government's generally pro-EU policy initiatives. The biggest conflict involved ratification of the Lisbon Treaty on structural reform of the EU and the accompanying Charter of Fundamental Human Rights, which the PiS felt would infringe on Polish sovereignty and potentially allow more legal abortions, same-sex marriage, and euthanasia. The parliament ratified the treaty with PiS support in April after Tusk pledged to reaffirm the supremacy of Poland's constitution and laws over EU laws, though the president refused throughout the year to grant final approval. In October, Tusk's government laid out plans for Poland to adopt the

euro currency by 2012. President Kaczynski appeared to back away from demands for a referendum on the issue after the country's existing currency, the zloty, lost value amid the global economic downturn.

Separately, Poland signed a missile defense pact with the United States in August. Tusk's government had pressed for additional military assistance in return for hosting a planned U.S. antiballistic missile base, but final negotiations were reportedly accelerated after Russia's invasion of Georgia that month raised security concerns in Poland.

### **Political Rights and Civil Liberties:**

Poland is an electoral democracy. Voters elect the president for five-year terms and members of the bicameral National Assembly for four-year terms. The president's appointment of the prime minister is subject to confirmation by the 460-seat Sejm, the National Assembly's lower house. The prime minister is responsible for most government policy, but the president also has an important role, especially in foreign relations. The 100-member Senate, the upper house, can delay and amend legislation but has few other powers.

The conservative PiS and the center-right PO have become the two most important political parties, while smaller left-leaning parties, including the SLD, have joined forces in the LiD coalition. PiS's former coalition partners, Self-Defense and the LPR, failed to win representation in the October 2007 legislative elections.

Corruption remains a problem. In March 2008, the minister responsible for fighting corruption said graft often goes unpunished, citing faulty supervision and weak control over state institutions. Poland was ranked 58 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The 1997 constitution guarantees freedom of expression and forbids censorship. However, the country's libel law treats slander as a criminal offense. Infringements on media freedom include gag orders and arbitrary judicial decisions concerning investigations of individuals affiliated with parties in power. Poland's print media are diverse and for the most part privately owned. The state-owned television and radio broadcaster is dominant but faces growing competition from private Polish and foreign outlets. The Sejm passed legislation in March 2008 that would have changed the appointment procedures for the management and supervisory boards at the state broadcaster, allowing for merit-based leadership, but President Lech Kaczynski vetoed the measure. The government does not restrict internet access.

The state respects freedom of religion. Religious groups are not required to register but receive tax benefits if they do. Roman Catholic priest Tadeusz Rydzyk, a PiS supporter and head of a media group that includes the ultraconservative Radio Maryja, was criticized in 2007 for making anti-Semitic remarks. Radio Maryja, although owned by a private Catholic group, enjoys fee exemptions and public-broadcaster status. Academic freedom is generally respected, though one rarely invoked law threatens anyone who "publicly insults or humiliates a constitutional institution" with a fine or up to two years' imprisonment.

Polish citizens can petition the government, assemble legally, organize professional and other associations, and engage in collective bargaining. Public demonstrations require permits from local authorities. Poland has a robust labor movement, but groups including the self-employed and those working under individual con-



tracts are barred from joining a union. Union pluralism is recognized with the exception of law enforcement personnel. Labor leaders have complained of harassment by employers.

Poland has an independent judiciary, but courts are notorious for delays in administering cases. State prosecutors have proceeded slowly on corruption investigations, contributing to concerns that they are subject to considerable political pressure. A November 2007 report by the International Bar Association's Human Rights Institute faulted several recently passed and proposed legislative amendments introduced by the PiS government; however, since Tusk's election, the proposed amendments stalled. Prison conditions are fairly poor by European standards, and pretrial detention periods can be lengthy. Outrage over an incest and pedophilia case in September 2008 prompted the drafting of a law giving judges the right to sentence pedophiles to chemical castration, but equal outrage over the draft law appeared to have stifled the debate.

Ethnic minorities generally enjoy generous protections and rights under Polish law, including funding for bilingual education and publications, and privileged representation in the parliament; their political parties are not subject to a minimum vote threshold of 5 percent to achieve representation. Some groups, particularly the Roma, suffer discrimination in employment and housing, racially motivated insults, and occasional attacks. Poland's homosexual community is active, but faces discrimination.

Women have made inroads in the professional sphere and are employed in a wide variety of occupations. A number of women hold high positions in government and the private sector. However, domestic violence against women is a serious concern. Trafficking in women and girls for the purpose of prostitution remains a problem.

## Portugal

**Population:** 10,600,000

**Capital:** Lisbon

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Corruption levels in Portugal received attention in 2008 as reports emerged concerning foreign bribery, public ambivalence toward corruption, and ongoing investigations into the athletic industry. Labor unions protested for months against a labor law that passed in June that will make it easier for employers to hire and fire workers.

Portugal was proclaimed a republic in 1910, after King Manuel II abdicated during a bloodless revolution. Antonio de Oliveira Salazar became prime minister in 1932 and ruled the country as a fascist dictatorship until 1968, when his lieutenant, Marcello Caetano, replaced him. During the "Marcello Spring," repression and censorship were relaxed somewhat, and a liberal wing developed inside the one-party National Assembly. In 1974, a bloodless coup by the Armed Forces Movement, which opposed the ongoing colonial wars in Mozambique and Angola, overthrew Caetano.

A transition to democracy began with the election of a Constitutional Assembly that adopted a democratic constitution in 1976. A civilian government was formally established in 1982 after a revision of the constitution brought the military under civilian control, curbed the president's powers, and abolished the unelected Revolutionary Council. Portugal became a member of the European Economic Community (later the European Union, or EU) in 1986, and in early 2002, the EU's euro replaced Portugal's currency, the escudo. In 1999, Portugal handed over its last colonial territory, Macao, to the People's Republic of China.

In February 2005 elections, the Socialist Party took 120 of the 230 seats in parliament, while the governing Social Democrats captured only 72. The elections, which had been called more than a year early, ushered in Portugal's fourth government in three years. Socialist leader and former environment minister Jose Socrates became prime minister, replacing Pedro Santana Lopes, who was in power for only seven months. Anibal Cavaco Silva, a center-right candidate who had served as prime minister from 1985 to 1995, won the 2006 presidential election, marking the first time in Portugal's recent history that the president and prime minister hailed from opposite sides of the political spectrum.

Portugal held the rotating EU presidency beginning in July 2007, and many countries looked to Portugal to push for uniform immigration laws for the EU member states, which were not drafted by year's end. Portugal also oversaw the drafting of a new treaty, known as the Treaty of Lisbon, which replaced the proposed EU constitution that had been rejected in 2005; most changes to the treaty were symbolic, however.

Following months of protests by labor organizations, the government passed a new labor law in June 2008 that affords employers greater flexibility in hiring and firing workers. The law was passed as an attempt to bolster Portugal's struggling economy.

### **Political Rights and Civil Liberties:**

Portugal is an electoral democracy. The 230 members of the unicameral legislature, the Assembly of the Republic, are elected every four years using a system of proportional representation. The president, elected for up to two five-year terms, receives advice from the Council of State, which includes six senior civilian officials, former presidents elected under the 1976 constitution, five members chosen by the Assembly, and five members selected by the president. While the president holds no executive powers, he can delay legislation with a veto and dissolve the Assembly to call early elections. The prime minister is nominated by the Assembly, and the choice is confirmed by the president. The constitution was amended in 1997 to allow resident noncitizens to vote in presidential elections.

The Portuguese have the right to organize and join political parties and other

political groupings of their choice, except for fascist organizations. The autonomous regions of Azores and Madeira—two island groups in the Atlantic—have their own political structures with legislative and executive powers.

Portugal was ranked 32 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. The Organization for Economic Cooperation and Development released a report in April 2007 concluding that foreign bribery in the public and private sectors warrants greater attention by Portuguese authorities. The report led to the arrests of government officials on corruption charges. In October, a Portuguese study found that the majority of the population accepts low-level corruption, indicating that corruption is not only a legal but also a social problem in the country. Corruption in the sports industry has also been cited as a problem particularly in soccer where referees try to influence games for monetary payoffs. In response to the recent corruption cases, Lisbon's Municipal Assembly in July approved a committee to combat corruption.

Freedom of the press is guaranteed by the constitution, and laws against insulting the government or the armed forces are rarely enforced. The inadequately funded public broadcasting channels now face serious competition from commercial television outlets. In September 2007, the parliament overrode a presidential veto to enact a law known as the Journalist Statute, which would require journalists to hand over confidential information and disclose sources in criminal cases. The law also allows employers to use or alter material provided by staff journalists in any manner for 30 days after initial publication, without providing additional compensation. In July 2008, the government issued an unprecedented order for Google to shut down a blog for criticizing the mayor of Povoia de Varzim. After the court ordered the blog shut down, its author started a new one days later where he published the court's ruling and new material critical of the mayor. Internet access in Portugal is not normally restricted.

Although the country is overwhelmingly Roman Catholic, the constitution guarantees freedom of religion and forbids religious discrimination. The Religious Freedom Act, which was adopted in 2001, provides religions that have been established in the country for at least 30 years (or recognized internationally for at least 60 years) with a number of benefits formerly reserved for the Catholic Church, such as tax exemptions, legal recognition of marriage and other rites, chaplain visits to prisons and hospitals, and respect for traditional holidays. Academic freedom is respected, though the school system was shaken in March 2008 when thousands of teachers demonstrated against proposals for education reforms obliging teachers to work longer hours and to undergo evaluations to assess promotion eligibility.

There is freedom of assembly and association, and citizens can participate in demonstrations and open public discussion. National and international nongovernmental organizations, including human rights groups, operate in the country without government interference. Workers have the right to organize, bargain collectively, and strike for any reason, including political ones. Despite months of protest from labor organizations, the government passed a labor law in June 2008 that makes it easier for employers to hire and fire employees. Portugal's two largest trade unions, the General Confederation of Portuguese Workers (CGTP) and the General Workers Union (UGT), organized months of protests, the largest of which took place in Lisbon in June and drew approximately 200,000 workers. In July, an agreement was reached

between the government and the UGT, ending the strikes. The agreement included modest adjustments such as greater strengths for collective bargaining and more flexibility in short-term contracts in the agricultural sector. The agreement was not signed by the CGTP.

The constitution provides for an independent court system. However, staff shortages and inefficiency have contributed to a considerable backlog of pending trials. Human rights groups have expressed concern about unlawful police shootings, deaths in police custody, and poor prison conditions. A Justice Ministry report released in 2005 cited a number of problems in the country's prison system, including overcrowding, poor sanitary conditions, and high rates of HIV/AIDS among inmates. The prison population—as a percentage of the total population—is larger than the EU average.

The constitution guarantees equal treatment under the law and nondiscrimination. The government has taken a number of steps to combat racism, including passing antidiscrimination laws and launching initiatives to promote the integration of immigrants and Roma (Gypsies). Lawmakers passed an immigration law in May 2007 that facilitates family reunification and legalization for immigrants in specific circumstances, such as those who applied under "immigration amnesty." In May 2008, a study by the Observatory for Immigration revealed that immigrants pay discriminatorily high taxes, little of which is channeled to projects directly benefiting foreign citizens. In October, immigrants protested in Lisbon against racist government policies and a xenophobic campaign by the far-right National Renewal Party.

In the 2005 parliamentary elections, 19.5 percent of the seats were won by women, about the same as in the previous elections in 2002. In July 2008, an EU report criticized Portugal as one of nine EU member states with no government body to protect people based on sexual orientation. In October, a report from the CGTP revealed that women earn four times less than men. Domestic violence against women remains a problem, and few cases are brought to trial; over 7,000 cases were reported in the first half of 2008. The country is a destination and transit point for trafficked persons, particularly women from Eastern Europe and former Portuguese colonies in South America and Africa. Approximately 5,000 Brazilian women are trafficked into Portugal for sexual exploitation each year.

## Qatar

**Population:** 900,000

**Capital:** Doha

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

Qatar celebrated the opening of the country's first Christian church in March 2008. In June, the emir appointed two new women ministers in a cabinet shuffle. Four years after the promulgation of a new constitution that included a provision for elections to the Consultative Council, the elections had yet to be held.

Qatar gained independence from Britain in 1971. The following year, Khalifa bin Hamad al-Thani deposed his cousin, Emir Ahmad bin Ali al-Thani, and ruled until 1995 as an absolute monarch, with few government institutions checking his authority. In 1995, the emir was deposed by his son, Hamad bin Khalifa al-Thani, who began a program of gradual political, social, and economic reforms. Hamad dissolved the Ministry of Information shortly after taking power, an action designed to demonstrate his commitment to expanding press freedom.

In 1996, Hamad permitted the creation of Al-Jazeera, which has become one of the most popular Arabic-language satellite television channels in the Middle East. However, Al-Jazeera generally does not cover Qatari politics and focuses instead on regional issues.

Elections were held in 1999 for a 29-member Central Municipal Council, a body designed to advise the minister of municipal affairs and agriculture. The poll made Qatar the first state of the Gulf Cooperation Council to introduce universal suffrage for men and women over 18 years of age. Hamad also accelerated a program to build Qatar's educational institutions, inviting foreign universities to establish branches in the country.

Municipal Council elections were held again in 2003. Also that year, Qatari voters overwhelmingly approved a constitution that slightly broadened the scope of political participation without eliminating the monopoly on power enjoyed by the ruling family. Most rights in the new constitution do not apply to noncitizen residents, who form a majority of the population.

In 2007, citizens again voted for the Central Municipal Council, choosing 29 members from 125 candidates. One woman was elected. Turnout reached 51 percent, a considerable improvement over 2003, when just 30 percent of the eligible electorate voted. In July 2008, the emir appointed a new cabinet that included two women.

Qatar has hosted U.S. military forces for a number of years, and the U.S. presence grew significantly after 2001. The country has faced severe criticism in the region for its ties to the United States and its tentative links with Israel. However, it used a 2006-07 term on the UN Security Council to raise its international profile, and in 2008, it played an active role in mediating internal conflicts in Lebanon and Yemen.

### **Political Rights and Civil Liberties:**

Qatar is not an electoral democracy. The head of state is the emir, currently Hamad bin Khalifa al-Thani, whose family has a monopoly on political power. The emir appoints a prime minister and cabinet. The constitution states that the emir appoints an heir after consulting with the ruling family and other notables. Voters elect local government representatives with limited powers over municipal services; these representatives report to the appointed minister of municipal affairs and agriculture. Under the constitution, which was ratified by public referendum in 2003 and promulgated by the emir in 2004, elections are to be held for 30 of the 45 seats in a new Consultative Council; the emir has the power to appoint the other 15 members. However, the elections had yet to be held at the end of 2008. The existing 35-member Consultative Council is entirely appointed.

Only a small percentage of the country's population—about 200,000 people out of 900,000 residents—is permitted to vote or hold office. The government does not permit the existence of political parties.

Although critics have complained of a lack of transparency in government procurement, Qatar was ranked 28 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, making it the best performer in the Middle East.

The constitution guarantees freedom of expression. However, content in the print and broadcast media is influenced by leading families, and journalists practice a high degree of self-censorship. Reporters face possible jail sentences for slander. The top five daily newspapers are privately owned, but their owners and boards include members of the ruling family. Although the satellite television channel Al-Jazeera is privately owned, the government has reportedly paid operating costs for the channel since its inception. As a result, Al-Jazeera rarely criticizes the ruling family. Qataris have access to the internet, but the government censors content and blocks access to sites that are deemed pornographic or politically sensitive.

Islam is Qatar's official religion. However, the 2004 constitution explicitly provides for freedom of worship. The Ministry of Islamic Affairs regulates clerical matters and the construction of mosques. In 2005, the government permitted the Christian community of Qatar to build six churches. The first was opened in Doha in March 2008, and the remaining five were under construction during the year. The constitution guarantees freedom of opinion and academic research, but scholars often practice self-censorship on politically sensitive topics.

While the constitution grants freedom of assembly and the right to form organizations, these rights are limited in practice. Protests are rare, with the government restricting the public's ability to organize demonstrations. All nongovernmental organizations (NGOs) need state permission to operate, and the government closely monitors the activities of these groups. In 2005, the Ministry of Civil Service Affairs and Housing issued new regulations for NGOs and professional associations,

streamlining their operating requirements and restricting membership and activities. In 2007, the Ministry of Foreign Affairs hosted the Conference on Democracy and Reform in Doha. Over 300 activists and participants called for Arab governments to eliminate restrictions on free speech and the press. They established the Arab Foundation for Democracy, which will monitor progress on reform in the region. Sheikh Hamad contributed \$10 million to the foundation. There are no independent human rights organizations, but a National Human Rights Committee (NHRC), consisting of members of civil society and government ministries, has done some work on investigating alleged abuses. In 2007, Qatar was controversially elected to a three-year term on the UN Human Rights Council.

A 2005 labor law expanded some protections for citizens, but it prohibits non-citizen workers from forming labor unions. Foreign nationals, who make up most of the workforce, face severe disadvantages. Although the legal system grants foreign laborers some rights and they can appear before the same courts as Qatari citizens, fear of job loss and deportation often prevents them from exercising what rights they have. Many foreign workers face economic abuses like the withholding of salaries or contract manipulation, while others endure poor living conditions and excessive work hours. Worker complaints have included charges as serious as torture, imprisonment, and forced labor. Foreign construction workers have repeatedly demonstrated against poor living and working conditions. Female domestic servants are particularly vulnerable to abuse and are often lured or forced into prostitution. In March 2008, the government announced plans to build a "worker's city" for 50,000 laborers near Doha by 2010 in an effort to improve the living and health conditions of foreign workers. In June, the Consultative Council passed a new law calling for improved working conditions for domestic workers. It had yet to be approved by the emir at year's end.

Despite constitutional guarantees, the judiciary is not independent in practice. The majority of Qatar's judges are foreign nationals who are appointed and removed by the emir. The judicial system consists of Sharia (Islamic law) courts, which have jurisdiction over a narrow range of issues including family law, and civil law courts, which have jurisdiction over criminal cases as well as commercial and civil suits. The Supreme Judiciary Council regulates the judiciary. The constitution protects individuals from arbitrary arrest and detention and bans torture. However, Law 17, issued in 2002, allows the suspension of these guarantees for the "protection of society." The law empowers the minister of the interior to detain a defendant for crimes related to national security on the recommendation of the director-general of public security.

The government discriminates against noncitizens in education, housing, health care, and other services that are offered free of charge to citizens. In its 2008 Trafficking in Persons Report, the U.S. State Department again gave Qatar a Tier 3 ranking, noting that it "does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so."

The constitution treats women as full and equal persons. Article 35 of the charter bans discrimination based on sex, country of origin, language, or religion. In 2006, Qatar took the important step of implementing a codified family law, which regulates issues important for women, including inheritance, child custody, marriage, and divorce. While the 2006 law offers more protections for women than they enjoyed previously, they continue to face some disadvantages. Women continue to face

societal discrimination, and few effective legal mechanisms are available for them to contest incidents of bias.

## Romania

**Population:** 21,500,000

**Capital:** Bucharest

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,2F	2,2F	2,2F	2,2F	2,2F	3,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

After parliamentary elections in November 2008, the two largest parties—the Democratic Liberal Party and Social Democratic Party—formed a new coalition government in December. Separately, a European Union (EU) progress report in July found that Romania's struggle against endemic corruption was hampered by parliamentary obstruction and unfavorable court rulings, including light sentences. However, unlike its neighbor Bulgaria, Romania escaped major EU sanctions.

In 1989, longtime dictator Nicolae Ceaucescu was overthrown and executed by disgruntled communists. A provisional government was formed under Ion Iliescu, a high-ranking communist, and elections soon followed. Iliescu lost power in 1996 elections but reclaimed the presidency in 2000; the former Communist Party, renamed the Social Democratic Party (PSD), took power in that year's parliamentary elections, with Adrian Nastase as prime minister.

In 2004, Traian Basescu of the Alliance for Truth and Justice (comprising the National Liberal Party, or PNL, and the Democratic Party, or PD) defeated Nastase in a presidential runoff. The PSD secured a plurality of seats in Parliament, but Basescu's presidential victory led to a majority coalition between the Alliance for Truth and Justice, the Humanist Party (later renamed the Conservative Party, or PC), and the Democratic Union of Hungarians in Romania (UDMR). Calin Popescu Tariceanu of the PNL became prime minister.

The ruling coalition proved rather unstable, with the PC withdrawing in December 2006 and a rebel PNL faction moving toward a merger with the PD. After Romania's accession to the European Union (EU) in January 2007, the friction between the president and prime minister quickly flared into direct confrontation. The PSD exploited the rift and gave tactical support to Tariceanu. Much of the disagreement appeared to stem from the president's aggressive pursuit of EU-backed judicial and anticorruption reforms, which his opponents accused him of politicizing.



In April 2007, Tariceanu ousted the Basescu-allied PD from the cabinet. The remaining two coalition members, the PNL and UDMR, held just 109 seats in the 469-seat bicameral Parliament. At the PSD's urging, Parliament voted to suspend Basescu and organize a referendum on his removal, but he easily won the vote in May.

The PSD led local elections in June 2008, winning nearly a third of the mayoral races, including the contest in Bucharest. The Democratic Liberal Party (PDL), a union of the PD and the PNL splinter faction, was close behind. In the November parliamentary elections, the PDL narrowly defeated a PSD-PC alliance in the lower house, 115 seats to 114, and in the Senate, 51 seats to 49. The two then formed a grand coalition in December, controlling a combined 329 out of 471 seats in both chambers. Meanwhile, the PNL was left with 65 seats in lower house and 28 seats in the Senate, followed by the UDMR with 22 and 9. The remaining 18 lower-house seats were set aside for ethnic minorities. Voter turnout was less than 40 percent; unlike in previous years, no major fraud allegations were reported. PDL leader and Cluj mayor Emil Boc was subsequently confirmed by Parliament as the new prime minister.

Political battles had continued to hamstring anticorruption efforts during the year. A new justice minister, Catalin Marian Predoiu, was named in February after two initial choices were rejected by the president. The last justice minister, Tudor Chiuariu, had resigned after just months in office in 2007 over an allegedly illicit real-estate deal, but he remained a top adviser to Tariceanu. In August 2008, Predoiu removed National Anticorruption Directorate (DNA) chief Daniel Morar and offered him a liaison post in Brussels, which he refused. Critics said the move was another bid by the Tariceanu government to blunt the anticorruption campaign. Predoiu was asked to stay on as justice minister under the new coalition government in December, and Morar remained at his DNA position at year's end, pending the approval of his replacement.

A European Commission progress report in July 2008 praised the work of anti-corruption agencies like the DNA and spared Romania major sanctions. However, it faulted Parliament for obstructing probes, and the judiciary for rebuffing cases over procedural errors and issuing inconsequential penalties for wrongdoing. In August, the EU suspended payments for a program that provided Romania with 150 million euros (US\$220 million) in farm subsidies annually, citing faults in the country's management of the funds.

### **Political Rights and Civil Liberties:**

Romania is an electoral democracy. Elections since 1991 have been considered generally free and fair. The directly elected president, who is not permitted to belong to a political party, does not have substantial powers beyond foreign policy. A 2004 constitutional reform set the presidential term at five years. The president appoints the prime minister with the approval of Parliament. Members of the bicameral Parliament, consisting of the 137-seat Senate and 334-seat Chamber of Deputies, are elected for four-year terms. New rules governing the 2008 parliamentary elections replaced the old party-list voting system with single-member districts, although all districts with no majority winner were allotted based on collective proportional representation.

The constitution grants a lower house seat to each national minority that passes a certain voting threshold, and 18 such seats were allotted in 2008. The UDMR has long represented the ethnic Hungarian minority, but for the first time in 12 years, it

was left out of the ruling coalition in December 2008. Political participation and representation of Roma is very weak. Separately, for the first time since its 1992 founding, the ultranationalist Greater Romania Party won no seats in Parliament in 2008.

Romania stepped up its anticorruption efforts ahead of EU accession in January 2007. High-level corruption probes have improved, but EU progress reports in 2007 and July 2008 noted a pattern of weak or suspended sentences. A DNA study cited in the 2008 report found that 90 percent of defendants received the lowest possible sentence. Parliament has consistently undermined anticorruption agencies, in part by taking advantage of a rule requiring its approval for corruption probes of both current and former government ministers with Parliament seats. The Chamber of Deputies in August voted against lifting the immunity of former prime minister Adrian Nastase and former transport minister Miron Mitrea, though the Senate decided to allow the prosecution of Labor Minister Paul Pacuraru and former economy minister Codrut Seres. In September, the new National Integrity Agency (ANI), tasked with vetting public officials' assets, issued its first request to seize the unexplained wealth of a former lawmaker. However, the agency lacked subpoena powers, among other tools. Romania was ranked 70 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, with only Bulgaria scoring worse within the EU.

The constitution protects freedom of the press, and the media are characterized by considerable pluralism, though Romanian journalists often suffer verbal abuse and minor physical assaults. At least four reported receiving death threats in 2008. Government respect for media freedoms increased in the run-up to EU accession. However, in January 2007, the Constitutional Court struck down reforms that had decriminalized libel and defamation, effectively reinstating them in the penal code. In September 2007, Parliament appointed a former PSD official to head the public television station, raising concerns about political bias; private outlets remain heavily influenced by the political and economic interests of their owners. The Senate in June 2008 unanimously passed a measure requiring the media to balance negative news with an equal proportion of positive news, but the Constitutional Court quickly struck it down. In September, the president sued a journalist and the daily *Cotidianul* for an editorial accusing him of arranging an electoral deal between the PDL and the Greater Romania Party, though he was seeking only 100 lei (US\$40) in damages. The government does not restrict access to the internet.

Religious freedom is generally respected, but "nontraditional" religious organizations encounter both difficulties in registering with the state and discrimination by some local officials and Orthodox priests. The government formally recognizes 18 religions, each of which is eligible for proportional state support. The Romanian Orthodox Church remains dominant and politically powerful. In December 2006, Parliament passed a law requiring all religions to have a membership equal to at least 0.1 percent of the population to be officially acknowledged. Moreover, nontraditional religions must undergo a 12-year "waiting period" prior to recognition. Vandalism aimed at religious minorities is not uncommon. The government does not restrict academic freedom, but the education system is weakened by unchecked corruption.

The constitution guarantees freedoms of assembly and association, and the government respects these rights in practice. The civil society sector is vibrant and

able to influence public policy, increasingly by working through EU officials and mechanisms. Workers have the right to form unions and strike, but in practice many employers work against unions, and illegal antiunion activity is rarely punished. Broad protests by workers seeking major wage increases grew as the November 2008 elections approached.

The judiciary is one of the most problematic institutions in Romania. Despite budgetary, staffing, and structural improvements, the July 2008 EU report found continued difficulties in filling judicial and prosecutorial vacancies, contradictory rulings by higher courts, and shortcomings in the performance of the Superior Council of Magistracy as a judicial disciplinary body. The report noted an increase in corruption probes within the police force, but said similar efforts in areas like health care and education were lacking. Conditions in Romanian prisons remain poor.

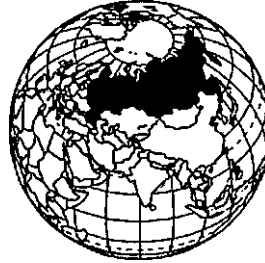
Romania's 18 recognized ethnic minorities have the right to use their native tongue with authorities in areas where they represent at least a fifth of the population, but the rule is not always enforced. Roma, homosexuals, people with disabilities, and HIV-positive children and adults face discrimination in education, employment, and other areas.

The constitution guarantees women equal rights, but gender discrimination is a problem. Only about 10 percent of the seats in Parliament are held by women. Trafficking of women and girls for forced prostitution has become a major concern. However, some law enforcement and victim-protection progress has been reported in recent years. According to various estimates, one-fifth to one-third of Romanian women have suffered domestic abuse at least once, and the criminal code does not provide for restraining orders. Abortion is permitted after 14 weeks of pregnancy only to save the woman's life or in other extraordinary circumstances. Amid opposition from religious groups and many doctors, the government ruled in June 2008 that an 11-year-old rape and incest victim could have an abortion at 21 weeks, though the girl underwent the procedure in Britain in July.

## ↓ Russia

**Population:** 141,900,000  
**Capital:** Moscow

**Political Rights:** 6  
**Civil Liberties:** 5  
**Status:** Not Free



**Trend Arrow:** Russia received a downward trend arrow due to a presidential election that was neither free nor fair.

*Note:* The numerical ratings and status listed above do not reflect conditions in Chechnya, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,SPF	5,SPF	5,SPF	5,SPF	5,SPF	6,SNF	6,SNF	6,SNF	6,SNF	6,SNF

### Overview:

Outgoing president Vladimir Putin manipulated the 2008 presidential election to install a designated successor—Dmitry Medvedev—and retain real power for himself as the new prime minister. The arrangement effectively subordinated constitutional structures to informal relationships, and the ostensibly new administration continued to implement Putin's authoritarian restrictions on media coverage and the activities of nongovernmental organizations, particularly those with foreign funding. For the first time since 1993, Russia amended its constitution to extend the presidential term from four to six years, strengthening the power of the executive. Medvedev complained about the country's "legal nihilism" but offered no realistic policies to improve judicial independence. He enacted new legislation designed to cut the corrupt ties between the state and business activity, introducing the concept of conflict of interest into Russian law. However, critics argued that the reforms will have little effect.

With the collapse of the Soviet Union in December 1991, the Russian Federation emerged as an independent state under the leadership of President Boris Yeltsin. In 1993, Yeltsin used tanks to thwart an attempted coup by opponents of radical reform in the parliament, after which voters approved a new constitution establishing a powerful presidency and a bicameral national legislature, the Federal Assembly. The December 1995 parliamentary elections, in which 43 parties competed, saw strong support for Communists and ultranationalist forces. Nevertheless, in the 1996 presidential poll, Yeltsin defeated Communist leader Gennady Zyuganov with the financial backing of powerful business magnates, who used the media empires they controlled to ensure victory. The August 1998 collapse of the ruble and Russia's financial markets provided a traumatic but ultimately useful corrective to the Rus-

sian economy, ushering in years of rapid growth. In 1999, Yeltsin appointed Vladimir Putin, then the head of the Federal Security Service (FSB), as prime minister.

Conflict with the separatist republic of Chechnya, which had included a brutal two-year war from 1994 to 1996, resumed in 1999. After a Chechen rebel-led incursion into the neighboring Russian republic of Dagestan in August 1999 and a series of deadly apartment bombings in Russian cities that the Kremlin blamed on Chechen militants the same year, the central government responded with a second military attack on the breakaway region. The second Chechen war dramatically increased Putin's popularity, and after the December 1999 elections to the State Duma, the lower house of the Federal Assembly, progovernment forces were able to form a majority coalition.

An ailing and unpopular Yeltsin—who was constitutionally barred from a third presidential term—resigned on December 31, 1999, transferring power to his hand-picked successor, Putin. The new acting president subsequently secured a 53 percent to 29 percent first-round victory over Zyuganov in the March 2000 presidential election. After taking office, Putin moved quickly to consolidate his power, reducing the influence of the legislature, eliminating elections for regional leaders, taming the business community and the news media, and strengthening the FSB. He considerably altered the composition of the ruling elite through an increased influx of personnel from the security and military services. Overall, Putin garnered enormous personal popularity by overseeing a gradual increase in the standard of living for most of the population resulting from rising energy prices and economic reforms that followed the 1998 ruble collapse.

The December 2003 Duma elections were marred by extensive bias in media coverage. The Kremlin-controlled United Russia party captured 306 of the Duma's 450 seats. With the national broadcast media and most print outlets favorable to the incumbent, no opponent was able to mount a significant challenge in the March 2004 presidential election. Putin, who refused to debate the other candidates, received 71.4 percent of the vote in a first-round victory, compared with 13.7 percent for his closest rival, Communist Nikolai Kharitonov.

Putin's second term featured an increase in state power over civil society, with little progress on overall administrative and military reform. In September 2004, Putin introduced legislative changes that eliminated direct gubernatorial elections in favor of presidential appointments; the move was justified by the ineffectiveness of the leadership of the North Ossetia region during a hostage-taking crisis at a school in the town of Beslan, in which hundreds, mostly children, were killed. The government also began a crackdown on democracy-promotion groups and other nongovernmental organizations (NGOs) inside Russia, especially those receiving foreign funding. Although the police raided the office of a few small groups, the main thrust of the campaign was to chill the overall atmosphere for independent activity. The authorities removed another possible threat in 2005, when a court sentenced billionaire energy magnate Mikhail Khodorkovsky, founder of the oil firm Yukos, to eight years in prison for fraud and tax evasion. A parallel tax case against Yukos itself led to the transfer of most of its assets to the state-owned Rosneft. Although an oligarch with a checkered past, Khodorkovsky had transformed his company into one of the most transparent in Russia and was using his wealth to bankroll opposition political activities.

Putin in early 2006 signed a new law that handed bureaucrats wide discretion in registering NGOs and imposed extensive reporting requirements on the groups. The

legislation made it easier for the authorities to shut down NGOs that were critical of official policy. In another sign that safe avenues for dissent were disappearing, an assassin murdered investigative journalist Anna Politkovskaya in October of that year. She had frequently criticized the Kremlin's brutal military campaign in Chechnya and the excesses of Russian troops in the region.

The heavily manipulated December 2007 parliamentary elections gave a solid majority to progovernment parties. The ruling United Russia party captured 315 of the 450 Duma seats. Two other parties that generally support the Kremlin, Just Russia and the nationalist Liberal Democratic Party, took 38 and 40 seats, respectively. The opposition Communists won 57 seats in the effectively toothless legislature.

Putin's handpicked successor, then first deputy prime minister Dmitry Medvedev, won the March 2008 presidential election with 70.3 percent of the vote and nearly 70 percent voter turnout. As with the 2007 parliamentary elections, the Organization for Security and Cooperation in Europe (OSCE) refused to monitor the voting due to government constraints on the number of monitors and the amount of time they could spend in the country. Medvedev immediately appointed Putin as his prime minister, and the former president continued to play the dominant role in government. In November and December, the authorities hurriedly amended the constitution for the first time since it was adopted in 1993 to extend the presidential term from four to six years. The change is aimed at further strengthening the power of the executive branch.

Toward the end of the year, Russia was buffeted by the emerging global financial crisis that drove oil prices dramatically downward from the record highs reached during the summer and sparked an exodus of capital from the country. It remained unclear at year's end how the political system would cope with the new economic conditions, especially since the government could no longer deliver improving living standards.

### **Political Rights and Civil Liberties:**

Russia is not an electoral democracy. The December 2007 State Duma elections were carefully engineered by the administration, handing pro-Kremlin parties a supermajority in the lower house, which was powerless in practice. In the presidential election of March 2008, state dominance of the media was on full display, debate was absent, and incumbent Vladimir Putin was able to pass the office to his handpicked successor, Dmitry Medvedev.

The 1993 constitution established a strong presidency with the power to dismiss and appoint, pending parliamentary confirmation, the prime minister. However, the current political system no longer respects the constitutional arrangement, since Prime Minister Putin's personal authority eclipses that of the president, highlighting the authoritarian characteristics of the current Russian regime. The Federal Assembly consists of the 450-seat State Duma and an upper chamber, the 166-seat Federation Council. Beginning with the December 2007 elections, all Duma seats were elected on the basis of party-list proportional representation. Parties must gain at least 7 percent of the vote to enter the Duma. Furthermore, parties cannot form electoral coalitions, and would-be parties must have at least 50,000 members and organizations in half of the federation's 83 administrative units to register. These changes, along with the tightly controlled media environment and government use of administrative resources, including the courts, make it extremely difficult for op-

position parties to win representation in the Duma. The upper chamber is made up of members appointed by governors and regional legislatures. Although the governors were previously elected, a 2004 reform gave the president the power to appoint them, meaning he heavily influences the appointment of half of the members of the upper house. Following constitutional amendments in 2008, after the next round of elections, the president will serve a six-year term (limited to two consecutive terms). The members of the lower house will serve five-year terms. Before the changes, both president and parliament had served four-year terms.

Corruption in the government and business world is pervasive, and Medvedev signed into law a new package of reforms to address the problem at the end of 2008. The legislation for the first time defines the concepts of corruption and conflict of interest. It requires bureaucrats and their family members to declare their incomes, and prevents former bureaucrats from working for companies they did business with for two years. Critics argue that business and the state are too tightly intertwined, and Russia's system is too authoritarian, for the plan to be effective. Russia was ranked 147 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although the constitution provides for freedom of speech, the authorities continue to put pressure on the dwindling number of media outlets that are still critical of the Kremlin. Since 2003, the government has controlled, directly or through state-owned companies, all of the national television networks. Only a handful of radio stations and publications with limited audiences are able to include a wide range of viewpoints. Discussion on the internet is free, but government devotes extensive resources to manipulating the information and analysis available there. Sixteen journalists have been killed since Putin came to power, with only one case resolved. Two journalists were killed in 2008. Most prominently, Magomed Yevloyev, founder of the opposition website Ingushetiya.ru, died while he was in police custody, demonstrating the safety challenges faced by critics of the authorities and the difficulty of providing critical analyses in Russia's restive North Caucasus. The authorities have further limited free expression by passing vague laws on extremism that make it possible to crack down on any organization that lacks official support. In 2008, a Syktyvkar court gave a blogger a one-year suspended sentence for a post in which he called for setting fire to police officers in a public square.

Freedom of religion is respected unevenly. A 1997 law on religion gives the state extensive control and requires churches to prove that they have existed for at least 15 years before they are permitted to register. As registration is necessary for a religious group to conduct many of its activities, the operations of new and independent congregations are restricted. Orthodox Christianity has a privileged position in Russian society. Regional authorities continue to harass nontraditional groups, such as Jehovah's Witnesses and Mormons.

Academic freedom is generally respected, although the educational system is marred by corruption and relatively low salaries for faculty. The government has introduced a standardized exam designed to reduce the room for abuse. The arrest and prosecution of scientists and researchers on charges of treason, usually for discussing sensitive technology with foreigners, has engendered a climate in some research institutes that is restrictive of international contacts. Additionally, the Kremlin has sought to emphasize the positive aspects of Stalin's leadership, while histo-

dans who examine his crimes have faced charges of being unpatriotic, casting a chill over objective efforts to examine the past.

The government has consistently reduced the space for freedom of assembly and association. Numerous crackdowns in recent years effectively discouraged protests. The authorities flew special police to Vladivostok in December to quell demonstrations again new customs fees imposed on imported cars popular in the Far East.

At the beginning of 2006, Putin signed a new law imposing onerous new reporting requirements on NGOs. The impact of the legislation was to give government bureaucrats extensive discretion in deciding which organizations could register and hamper activities in subject areas that the state deemed objectionable. The diverse NGO sector is composed of thousands of groups, some of them dependent on funding from foreign sources. The 2006 law places extensive controls on the use of these foreign funds, and in July 2008, Putin lifted the tax-exempt status of most Western foundations and NGOs, subjecting them to a 24 percent tax beginning in 2009. The state has sought to provide alternative sources of funding, including to a handful of organizations that are critical of government policy, but such support generally limits the scope of recipient groups' activities. On December 4, masked men from the General Procurator's office raided the Memorial office in St. Petersburg, confiscating the group's archives of information documenting Stalin-era crimes.

While trade union rights are legally protected, they are limited in practice. Strikes and worker protests have occurred in prominent sectors, such as automobile manufacturing, but antiunion discrimination and reprisals for strikes are not uncommon, and employers often ignore collective bargaining rights. With the economy continuing to change rapidly after emerging from Soviet-era state controls, unions have been unable to establish a significant presence in much of the private sector. The largest labor federation works in close cooperation with the Kremlin.

The judiciary suffers from corruption, inadequate funding, and a lack of qualified personnel who can assure the courts' independence from the executive branch. After judicial reforms in 2002, the government has made progress in implementing due process and holding timely trials, though Medvedev complains that this progress is not adequate. The legislation also authorizes courts, rather than prosecutors, to issue arrest and search warrants. Judges presiding over political cases, including hate crime cases and cases from the North Caucasus region, remain subject to pressure from the authorities. Since January 2003, Russia's reformed criminal procedure code has allowed jury trials in most of the country. While juries are more likely than judges to find defendants not guilty, these verdicts are frequently overturned by a higher court, which can send a case back for retrial as many times as necessary to achieve the desired outcome. At the end of 2008, Russian law ended the use of jury trials for crimes of a "terrorist nature" because of the numerous past acquittals in these cases. Russian citizens often feel that domestic courts do not provide a fair hearing and have increasingly turned to the European Court of Human Rights.

Critics charge that Russia has failed to address ongoing criminal justice problems, such as poor prison conditions and law enforcement officials' widespread use of illegal detention and torture to extract confessions. In some cases, there has also been a return to the Soviet-era practices of punitive psychiatry. Parts of the country, such as the turbulent North Caucasus region, face high levels of violence. Although



marginalized in Chechnya in recent years, underground rebel movements have appeared in surrounding Russian republics, including Ingushetia, Dagestan, and Kabardino-Balkaria.

Immigrants and ethnic minorities—particularly those who appear to be from the Caucasus or Central Asia—face governmental and societal discrimination and harassment. The government has relied increasingly on anti-Western, anti-Georgian, and anti-Ukrainian rhetoric to shore up its legitimacy. Local observers fear that racially motivated violence is increasing. Racist and neo-Nazi attacks led to no fewer than 87 murders and 378 injuries in 2008, according to Sova, a group that tracks ultranationalist activity in the country.

The government places some restrictions on freedom of movement and residence. All adults are legally required to carry internal passports while traveling, documents that they also need to obtain many government services. Some regional authorities impose registration rules that limit the right of citizens to choose their place of residence. In the majority of cases, the targets are ethnic minorities and migrants from the Caucasus and Central Asia.

Property rights remain precarious. State takeovers of key industries, coupled with large tax liens on select companies, have reinforced perceptions that property rights are being eroded and that the rule of law is subordinated to political considerations. The government has forcibly changed the terms of Western oil and gas companies working in Russia.

Women in Russia have particular difficulty achieving political power. They hold none of the key positions in the federal government, and the female governor of St. Petersburg is the main exception at the regional level. Domestic violence continues to be a serious problem, and police are often reluctant to intervene in what they regard as internal family matters. Economic hardships contribute to widespread trafficking of women abroad for prostitution.

# Rwanda

**Population:** 9,600,000

**Capital:** Kigali

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	7,6NF	7,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

The ruling Rwandan Patriotic Front won an overwhelming victory in September 2008 parliamentary elections. The process of judging perpetrators of the 1994 moved towards its conclusion during the year, with the docket of locally adjudicated cases emptying and the International Court for Rwanda receiving a one-year extension, to 2010, to finish its work. Rebel forces in eastern Congo with close ties to Rwanda made significant territorial gains amidst widespread violence and human rights abuses.

Belgian colonial rule in Rwanda, which began after World War I, exacerbated and magnified tensions between the minority Tutsi ethnic group and the majority Hutu. A Hutu rebellion in 1959 overthrew the Tutsi monarchy, and independence from Belgium followed in 1962. Hundreds of thousands of Tutsi were killed or fled the country in recurring violence over the subsequent decades. In 1990, the Tutsi-dominated Rwandan Patriotic Front (RPF) launched a guerrilla war from Uganda to force the Hutu regime, led by President Juvenal Habyarimana, to accept power sharing and the return of Tutsi refugees.

Habyarimana was killed when his plane was shot down near Kigali in April 1994. While the perpetrators have never been definitively identified, Hutu extremists immediately pursued the complete elimination of the Tutsi. During the genocide, which lasted for approximately three and a half months, as many as a million Tutsis and Hutu moderates were killed. By July, however, the RPF had succeeded in taking control of Kigali and establishing an interim government of national unity.

The Hutu-dominated army and militia, along with as many as two million Hutu refugees, fled into neighboring countries, especially the Democratic Republic of Congo (DRC). These forces were able to retrain and rearm in the midst of international relief efforts to assist the refugees. The United Nations, which had ignored specific warnings of the impending 1994 genocide, failed to prevent the new activity, and the RPF responded by attacking refugee camps in the DRC.

Nearly three million refugees returned to Rwanda between 1996 and 1998 and were peacefully reintegrated into society. Security improved considerably after 1997, although isolated killings and disappearances continued. The RPF-led government

has closely directed the country's political life. In 2000, President Pasteur Bizimungu, a moderate Hutu installed by the RPF, resigned and was replaced by Vice President Paul Kagame, a Tutsi.

Rwanda's extended postgenocide political transition officially ended in 2003 with a new constitution and national elections. The RPF's preeminent position—combined with a short campaign period, the advantages of incumbency, and a pliant political culture traumatized by the effects of the genocide—ensured victory for Kagame in the presidential vote and for the RPF and its allies in subsequent parliamentary elections. The largest opposition party, the Hutu-based Democratic Republican Movement (MDR), was declared illegal by the authorities before the elections for allegedly promoting ethnic hatred.

A 2004 parliamentary commission report criticized a number of nongovernmental organizations (NGOs) for propagating "genocide ideology," causing these organizations to significantly limit criticism of the government. Bizimungu was sentenced to 15 years in prison after being convicted of antistate activities, although Amnesty International and other independent observers questioned the trial's fairness. The Supreme Court in February 2006 upheld Bizimungu's prison sentence, but overturned the convictions of six of his codefendants.

While the RPF maintained its control in 2007, several improvements in Rwanda's political rights occurred during the year. In April, Bizimungu was pardoned and released. A ban on political party offices at the local level was lifted in June, and several parties began organizing efforts. Meanwhile, the UN International Criminal Tribunal for Rwanda (ICTR) moved ahead with its genocide cases, as did the traditional justice system of *gacaca*, used to adjudicate other genocide-related atrocities. The government, however, continued to restrict press freedom and harass journalists.

The coalition led by the ruling RPF won handily in the September 2008 parliamentary elections, securing 78 percent of the vote and 42 out of 53 elected seats in the lower house. By contrast, the opposition Social Democratic Party secured 7 seats, and the Liberal Party 4.

By year's end, the ICTR had indicted a total of 91 individuals and completed 35 trials since its inception in 1994. Cases against 33 individuals were ongoing in 2008. In July, the ICTR extended its mandate for another year in order for the ICTR's work to be completed. A Spanish judge in February indicted 40 senior Rwandan military officers for alleged atrocities committed during the genocide; the judge also accused President Kagame of wrongdoing, but he is immune from prosecution as a sitting president. Meanwhile, the Rwandan government in August issued a report alleging French complicity in the genocide, and in April, the minister of justice called for international sanctions against both the Spanish judge and a French judge who in 2006 had issued an indictment against senior RPF military leaders on grounds of complicity in the downing of Presdidnet Nasbyrimana's aircraft in 1994.

Positive results from the agricultural sector due to greater grain and potato production helped to increase economic growth to approximately 8 percent in 2008. Meanwhile, in neighboring DRC, rebel forces with close ties to Rwanda, led by General Laurent Nkunda made significant territorial gains in the eastern part of the country and were responsible for perpetrating widespread violence and human rights abuses. A UN report issued in December 2008 accused the Rwandan government of supporting General Nkunda's forces.

## Political Rights and Civil Liberties:

Rwanda is not an electoral democracy. International observers have noted that the 2003 presidential and 2003 and 2008 parliamentary elections, while administratively acceptable, presented Rwandans with only a limited degree of political choice. The 2003 constitution grants broad powers to the president, who can serve up to two seven-year terms and has the authority to appoint the prime minister and dissolve the bicameral Parliament. The 26-seat upper house, the Senate, consists of 12 members elected by local councils, 8 appointed by the president, 4 chosen by a forum of political parties, and 2 representatives of universities, all serving eight-year terms. The Chamber of Deputies, or lower house, includes 53 directly elected members and 24 women chosen by local councils. All serve five-year terms.

The constitution officially permits political parties to exist, but only under certain conditions, and the constitution's emphasis on "national unity" has the effect of limiting political pluralism. The RPF dominates the political arena, and parties closely identified with the 1994 genocide are banned, as are parties based on ethnicity or religion. The constitutionally mandated Political Party Forum vets proposed policies and draft legislation before they are introduced in Parliament. All parties must belong to the Forum, which operates on the principle of consensus, though in practice, the RPF guides its deliberations. Parliamentary committees, however, have begun to question ministers and other executive branch officers more energetically, and some of these deliberations are reported in the local press. In April 2008, the government ombudsman recommended that Parliament ban four of the eight registered political parties, alleging that they had failed to declare their assets, but this had not occurred by year's end.

The government has undertaken a number of anticorruption measures, but graft represents a significant problem. A number of senior government officials in recent years have been fired and faced prosecution for alleged corruption, embezzlement, and abuse of power. Government institutions focused on combating corruption include the Office of the Ombudsman, the auditor general, and the National Tender Board. Rwanda was ranked 102 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The RPF has imposed a number of legal restrictions and informal controls on the media, and press freedom groups have accused the government of intimidating independent journalists. Publications such as the independent national weekly *Umuseso* have been closely watched, harassed, and repeatedly prosecuted. Journalists censor their own writing and say the authorities have made it clear that certain topics cannot be discussed. In March 2008, Bonaventure Bizumuremyi, the founder and editor of the private newspaper *Umuco*, went into hiding to avoid facing prosecution on defamation charges for claiming that President Paul Kagame and other senior leaders committed human rights abuses in response to the genocide. The same month, the High Press Council, a quasi-governmental media regulatory entity, recommended to the authorities that *Umuco* be suspended for a year. The broadcast media are government controlled, although private radio and television stations can be licensed. The government has recently shown greater willingness to engage with independent media in organized events like presidential press conferences, where critical questions are entertained, and radio call-in shows. Government officials, however, have also used these platforms to warn against perceived abuses

of press freedoms. There is limited but increasing internet access. Authorities do not restrict access to the internet, but its penetration in the country remains limited.

Religious freedom is generally respected. Clerics were among both the victims and the perpetrators of the 1994 genocide. The implication of several Catholic clergymen in the genocide has complicated relations between the government and the Roman Catholic Church.

Although the constitution codifies freedoms of association and assembly, in reality these rights are limited. Some nongovernmental organizations have complained that registration and reporting procedures are excessively time-consuming and onerous, and activities that the government defines as "divisive" are prohibited. Several organizations have been banned in recent years or have refrained from criticizing the RPF. However, most civil society organizations that do not focus on sensitive subjects, such as democracy and human rights, function without direct government interference. Academic freedom is generally respected.

The constitution provides for the rights to form trade unions, engage in collective bargaining, and strike. According to the 2007 Annual Survey of Trade Union Violations, compiled by the International Confederation of Free Trade Unions, while the government appears to be trying to improve relations with trade unions, its overall record of trade union rights has been poor, with pressure being exerted on the unions often in subtle and indirect fashion. The list of "essential services," in which strikes are not allowed, is excessively long. The largest union umbrella group, the Central Union of Rwandan Workers, was closely controlled by the previous regime but now has relatively greater independence.

The judiciary has yet to secure full independence from the executive. Nevertheless, a 2008 report by Human Rights Watch noted some recent improvements in the judicial system, including the fairly successful functioning of the *gacaca* system, an increased presence of defense lawyers at trials, improved training for court staff, and revisions to the legal code. Government officials stated that they expected the *gacaca* process to be finished in 2009. While their behavior does not appear to reflect official policy, individual police officers sometimes use excessive force, and local officials periodically ignore due process protections. In October 2008, two army captains were sentenced to eight years in prison for killing 13 priests in 1994, although their superiors were not found guilty.

Equal treatment under the law is guaranteed, and legal protections against discrimination have increased in recent years. A national identity card is required when Rwandans wish to move within the country, but these are issued regularly. In previous years, there were cases of government officials forcing citizens to return to the districts listed on their identity cards, although this no longer appears to be a problem.

The 2003 constitution requires women to occupy at least 30 percent of the seats in each chamber of Parliament. As a result of the 2008 elections, Rwanda became the first country in the world to have a majority of women in Parliament, with 56 percent of seats in the lower house held by women. Both the speaker of the lower house and chief justice are women. Women's rights to inherit land have been strengthened through legislation. An international report found in 2006 that Rwanda had made significant strides toward achieving an equal balance of girls and boys in primary school education, and special incentives exist to promote the advancement of girls

in science-related study topics. Despite these improvements, ongoing de facto discrimination against women continues. Economic and social dislocation has forced women to take on many new roles, especially in the countryside.

## Saint Kitts and Nevis

**Population:** 50,000  
**Capital:** Basseterre

**Political Rights:** 1  
**Civil Liberties:** 1  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F

### Overview:

In 2008, Prime Minister Denzil Douglas restructured his cabinet following the resignation of a top minister. Saint Kitts and Nevis also suffered from a spike in crime and took steps during the year to strengthen anticorruption, antiterrorism, and antitrafficking laws.

Saint Kitts and Nevis gained independence from Britain in 1983 but remains a member of the Commonwealth. Denzil Douglas of the ruling Saint Kitts and Nevis Labour Party (SKNLP) has been prime minister since July 1995. In 2002 elections, the SKNLP won a stronger parliamentary majority, taking all eight Saint Kitts seats in the National Assembly and shutting out the opposition People's Action Movement (PAM).

Douglas called early elections for October 2004, and his SKNLP won seven Saint Kitts seats, while the opposition PAM took the eighth. The Concerned Citizens Movement (CCM), a pro-independence party that headed Nevis's local government, kept two seats, while the Nevis Reformation Party (NRP), which also historically has favored secession from Saint Kitts, retained one. In July 2006, the NRP defeated the CCM in elections for Nevis's local assembly, taking three of the five seats. The NRP's Joseph Parry was subsequently named the island's third premier.

In August 2008, the minister of national security, immigration, and labor resigned following rumors in the press about a dispute with the prime minister. After the impasse, Douglas restructured the ministerial portfolios, taking under his responsibility the ministries of national security, foreign affairs, immigration, sustainable development, tourism, sport, and culture and putting his deputy in charge of education, youth affairs, labor, social security, and information and technology. The goal was to take greater control over these policy areas, in order to formulate a coordinated response to the problem of crime in the country. Meanwhile, Saint Kitts and

Nevis reaffirmed its close ties with Taiwan in January by opening its first embassy in Taipei.

On the economic front, authorities in April eliminated a 15 to 25.5 percent consumption tax on food staples to counter rising food prices. Also during the year, the government promised to review the country's minimum wage, won a US\$6.2 million loan from the Barbados-based Caribbean Development Bank to fund child-development projects through student loans, and committed EC\$50 million (around US\$19 million) for a housing program.

### **Political Rights and Civil Liberties:**

Saint Kitts and Nevis is an electoral democracy. The 2004 elections were free and fair. The federal government consists of the prime minister, the cabinet, and the unicameral National Assembly. A governor-general represents Britain's Queen Elizabeth II as ceremonial head of state. Elected National Assembly members—eight from Saint Kitts and three from Nevis—serve five-year terms. Senators are appointed to the body, and their number may not exceed two-thirds of the elected members, with one chosen by the leader of the parliamentary opposition for every two chosen by the prime minister. Saint Kitts's main political parties are the SKNLP and the PAM. On Nevis, the two main parties are the CCM, which had long been the majority party there, and the NRP, which won a majority of seats in the Nevis Island Assembly in July 2006. Nevis's assembly is composed of five elected and three appointed members, and the local government pays for all of its own services except for those involving police and foreign relations. Saint Kitts has no similar body.

The constitution grants Nevis the option to secede if two-thirds of the elected legislators in Nevis's local assembly and two-thirds of Nevisian referendum voters approve. Though a 1998 referendum on independence failed, Nevisians continued to feel neglected by the central government.

In an effort to create greater transparency in political party financing, a constitutional amendment was approved in 2005, requiring the disclosure of all campaign donors whose gifts exceeded a certain threshold. While concerns persisted that drug trafficking and money laundering may undermine the effectiveness of the police force and taint the judicial process, Saint Kitts and Nevis has generally implemented its anticorruption laws effectively. In January 2008, the cabinet proposed the Integrity in Public Life Act, which would require political party candidates, members of parliament, ministers, and senior civil servants to declare their assets. In June and July, lawmakers passed anti-money laundering regulations as well as an antiterrorism amendment act, designed to shore up money laundering and counter financing components of antiterrorism legislation. Saint Kitts and Nevis was not surveyed in Transparency International's 2008 Corruption Perceptions Index.

Constitutional guarantees of free expression are generally respected. The sole local television station is government owned, although it is managed by a Trinidadian company, and there are some restrictions on opposition access to the medium. The government radio station was privatized in 1997. There are four radio stations and two newspapers; one of them publishes daily and the other one weekly. Foreign media are available, and internet access is not restricted.

The free exercise of religion is constitutionally protected, and academic freedom is generally honored.

The right to organize civic organizations and labor unions is generally respected, as is freedom of assembly. The main labor union, the Saint Kitts Trades and Labour Union, is associated with the ruling SKNLP. The right to strike, while not specified by law, is recognized and generally respected in practice.

The judiciary is for the most part independent, and legal provisions for a fair and speedy trial are generally observed. The death penalty is recognized; according to Amnesty International, in 2008, Saint Kitts and Nevis carried out the first death penalty in the Western Hemisphere outside of the United States since 2003. The highest court is the Eastern Caribbean Supreme Court on Saint Lucia, but under certain circumstances, there is a right of appeal to the Caribbean Court of Justice in Trinidad. Additionally, an appeal may be made to the Privy Council in the United Kingdom.

The islands' traditionally strong rule of law has been tested by an increase in drug-related crime and corruption, and the intimidation of witnesses and jurors is a problem. In 2008, there were 23 murders in Saint Kitts and Nevis, up from 16 the previous year, pushing the per capita murder rate to 46 per 100,000—the highest of the eight countries in the Organization of Eastern Caribbean States. The national prison is overcrowded, and conditions are poor. The repatriation of felons from the United States has contributed to law enforcement agencies' sense that they are being overwhelmed.

Reports suggest that the country's economic citizenship program, which allows the purchase of passports through real-estate investments worth a minimum of US\$250,000 and a registration fee of US\$35,000, has facilitated illegal immigration from China and other countries into the United States and Canada. In January 2005, the government enacted new work-permit rules for foreign nationals, requiring that the jobs in question be advertised to current citizens.

Violence against women is a problem on the islands. The Domestic Violence Act of 2000 criminalizes domestic violence and provides penalties for abusers. The Department of Gender Affairs has offered counseling for abuse victims and conducted training on domestic and gender-based violence. There are no laws against sexual harassment. More girls than boys are enrolled in primary and secondary education. Legislation passed in November 2008 increased the age of consent for sexual activity from 16 to 18. In August, the parliament passed a bill that will allow Saint Kitts and Nevis to meet international standards for preventing human trafficking and punishing those responsible.



## Saint Lucia

**Population:** 200,000  
**Capital:** Castries

**Political Rights:** 1  
**Civil Liberties:** 1  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F

### Overview:

**In 2008, Prime Minister Stephenson King endured a year of political turmoil as the main opposition party, the Saint Lucia Labour Party, repeatedly called for his resignation on the grounds of ineffective and incompetent leadership.**

Saint Lucia, a member of the Commonwealth, achieved independence from Britain in 1979. In May 1997, Kenny Anthony led the Saint Lucia Labour Party (SLP) to victory in legislative elections. On taking office as prime minister, he began to address the concerns of an electorate that was weary of economic distress and reports of official corruption. In 2000, Anthony and the SLP gave their approval for regulated casino gambling in an apparent effort to revitalize the country's tourism trade, brushing aside objections from religious groups and the opposition United Workers Party (UWP).

The SLP again swept to victory in the December 2001 general elections, winning 14 of 17 seats in the House of Assembly. Despite popular dissatisfaction with his efforts to keep the island's ailing banana industry afloat, Anthony was the only party leader to survive the elections, which were called six months ahead of schedule. The leaders of the UWP and the National Alliance both lost their seats. In March 2006, the SLP lost a by-election held in the Central Castries district following persistent allegations of corruption in the National Conservation Authority.

John Compton, Saint Lucia's first prime minister after independence, came out of retirement to lead the UWP to an unexpected victory in the December 2006 elections; he was sworn in again as prime minister at the age of 81. Though his party won 11 seats in the House of Assembly, he pledged to "govern in a spirit of cooperation" with the SLP. Compton was soon sidelined by illness and died in September 2007. He was replaced by Stephenson King, a cabinet member from the UWP who had served as acting prime minister for several months before Compton's death. King promptly reshuffled the cabinet, and several new ministers were sworn into office.

King and the UWP were caught in a maze of controversy during 2008 that hampered their efforts to govern. The opposition called for the resignation of Economic Affairs and National Development Minister Ausbert D'Auvergne, and the Police

Welfare Association demanded the ouster of the acting police commissioner. Other contentious topics included the planned privatization of the Water and Sewerage Authority and higher salary scales for public servants. The SLP repeatedly threatened to mount public demonstrations and called for King's resignation, and d'Auvergne resigned in May, ending a dispute over ministry leadership that threatened to unseat the standing UWP government. The opposition also disagreed with the government over its signing of the International Criminal Court agreement in September, its initial reluctant stance on the Economic Partnership Agreement with Europe, and its failure to enter a drug interdiction agreement with Britain in August.

**Political Rights and Civil Liberties:** Saint Lucia is an electoral democracy. A governor-general represents the British monarch as head of state. Under the 1979 constitution, the bicameral Parliament consists of the 17-member House of Assembly, elected for five years, and an 11-member Senate. The prime minister is chosen by the majority party in the House of Assembly. Six members of the Senate are chosen by the prime minister, three by the leader of the parliamentary opposition, and two in consultation with civic and religious organizations. The island is divided into 11 regions, each with its own elected council and administrative services. Political parties are free to organize, but two parties—the UWP, in power since 2006, and the SLP, the official opposition—dominate politics. The December 2006 elections were deemed free and fair, marking the first time that observers from the Caribbean Community and the Organization of American States were invited to observe.

Government officials have been accused of corrupt activities, but the country scores well in international surveys. Saint Lucia was ranked 21 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, the best performance in Latin America and the Caribbean.

The constitution guarantees freedom of speech, which is respected in practice. Libel offenses were removed from the criminal code in 2006. The media carry a wide spectrum of views and are largely independent of the government. There are five privately owned newspapers, four privately held radio stations, one government-funded radio station, and four privately owned television stations. Internet access is not restricted.

The constitution guarantees free exercise of religion, and that right is respected. Academic freedom is generally honored.

Constitutional guarantees regarding the right to organize civic groups and labor unions and to assemble freely are largely upheld. Civic groups are well organized and politically active, as are labor unions, which represent the majority of wage earners. Public service unions accepted a 14.5 percent wage increase in October after a period of intense negotiations with the government.

The judicial system is independent and includes a high court under the Eastern Caribbean Supreme Court (based in Saint Lucia). In recent years, the record of Saint Lucia's police and judicial system has been blemished by a series of high-profile incidents, including severe beatings of inmates by police and cases of police assault.

Although citizens traditionally have enjoyed a high degree of personal security, rising crime—including drug-related offenses, violent clashes during banana farm-

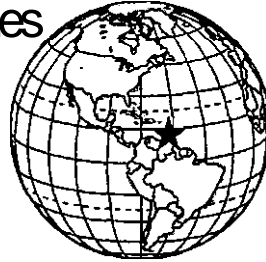
ers' strikes, and increased violence in schools—has created concern. There were 39 murders in Saint Lucia in 2008, up from 26 in 2007. Saint Lucia is third in the Caribbean, after Jamaica and Trinidad and Tobago, in terms of the interdiction of drug mules headed for Britain each year. A US\$17 million prison facility with a capacity to hold 500 inmates was completed in 2002. Still, prison overcrowding has reemerged as a concern in recent years, with major backlogs in the judicial system leading to prolonged pretrial detentions.

Women are underrepresented in politics and other professions. Female enrollment in primary and secondary education is slightly higher than male enrollment. Domestic violence is a serious concern, especially among women from low-income groups. Homosexuals are occasionally targeted in hate crimes.

## Saint Vincent and the Grenadines

**Population:** 100,000  
**Capital:** Kingstown

**Political Rights:** 2  
**Civil Liberties:** 1  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F	2,1F

### Overview:

**In 2008, Prime Minister Ralph Gonsalves of the Unity Labour Party deepened his country's international relationships and struggled to address pressing economic challenges. The opposition New Democratic Party engaged in spirited disputes over taxes, foreign policy, and the prime minister's integrity.**

Saint Vincent and the Grenadines achieved independence from Britain in 1979, with jurisdiction over the northern Grenadine islets of Bequia, Canouan, Mayreau, Mustique, Prune Island, Petit Saint Vincent, and Union Island.

In the 2001 elections, the social-democratic Unity Labour Party (ULP) captured 12 of the 15 contested legislative seats, and Ralph Gonsalves became prime minister. The incumbent, conservative New Democratic Party (NDP) was reduced to 3 seats. International observers monitored the elections, which had been preceded by large antigovernment protests and the first serious political unrest in the country's history.

In December 2005, Gonsalves led the ULP to reelection, again taking 12 of the 15 contested seats, while the opposition NDP won the remaining 3. The NDP later vowed to take legal action over alleged electoral irregularities, but the party's effort stalled after the Organization of American States gave the elections its stamp of approval.

Gonsalves, a onetime radical opposition figure, generated controversy in 2007 by pursuing closer relations with Venezuela and Cuba. The political opposition called for his resignation, but most citizens approved of his strategy of seeking energy and medical assistance from the two countries. His plan to introduce a value-added tax also sparked heated political debate.

In 2008, Gonsalves was charged with sexual assaults on two women, but both cases were subsequently dropped. Opposition legislators boycotted a parliamentary session over the issue, but Gonsalves threatened to declare the seats vacant and open them for elections. In January, and several times throughout 2008, strikes by the teachers' union challenged the prime minister's reluctance to raise salaries to no avail; threats to the union leader's life were confirmed in June.

On the economic front, Gonsalves proposed a reduction of subsidies on petroleum, while opposition leaders called for the removal of the value-added tax in the face of rising food and oil prices. Also during the year, the Gonsalves government accepted development assistance from Cuba, Venezuela, and Taiwan. In August, Gonsalves established diplomatic relations with Iran and agreed to receive aid for airport construction, although opposition leaders expressed concern over the new relationship.

### Political Rights and Civil Liberties:

Saint Vincent and the Grenadines is an electoral democracy. The constitution provides for the election of 15 representatives to the unicameral House of Assembly to serve five-year terms. The prime minister is the leader of the majority party. Six senators are appointed to the chamber—four chosen by the government and two by the opposition. A governor-general represents the British monarch as head of state. The December 2005 elections were considered free and fair by international observers. The two main political parties are the ruling, left-leaning ULP and the conservative NDP.

In recent years, there have been allegations of drug-related corruption within the government and the police force and of money laundering through Saint Vincent banks. Saint Vincent and the Grenadines was ranked 28 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, making it one of the best performers in the region.

The press is independent, with two privately owned, independent weeklies and several smaller, partisan papers. Some journalists allege that government advertising is used as a political tool. The only television station is privately owned and free from government interference. Satellite dishes and cable television are available to those who can afford them. The main news radio station is government owned, and call-in programs are prohibited. Equal access to radio is mandated during electoral campaigns, but the ruling party takes advantage of state control over programming. Internet access is not restricted.

Freedom of religion is constitutionally protected and respected in practice, and academic freedom is generally honored. Access to higher education is limited but improving as the University of the West Indies initiates degree programs with community colleges in Saint Vincent and other members of the Organization of Eastern Caribbean States.

There is constitutional protection for freedom of assembly and association. Civic groups and nongovernmental organizations are free from government interference. Labor unions are active and permitted to strike.

The judicial system is independent. The highest court is the Eastern Caribbean Supreme Court (based in Saint Lucia), which includes a court of appeals and a high court. Litigants have a right of ultimate appeal, under certain circumstances, to the Caribbean Court of Justice. The independent Saint Vincent Human Rights Association has criticized long judicial delays and a large backlog of cases caused by personnel shortages in the local judiciary. It has also charged that the executive branch at times exerts inordinate influence over the courts.

Murder convictions carry a mandatory death sentence. In 2006, rising crime and violence remained an important public concern following several high-profile murders, including the killing in early March of the prime minister's press secretary, Glen Jackson. In 2008, there were 26 murders in Saint Vincent and the Grenadines, down from 36 in 2007. Prison conditions have improved but remain poor—a prison in Kingstown was renovated to accommodate 150 inmates, but holds over 350—and inmates have alleged mistreatment.

Violence against women, particularly domestic violence, is a major problem. The Domestic Violence Summary Proceedings Act, which provides for protective orders, offers some tools that benefit victims. The punishment for rape is generally 10 years in prison, while those convicted of sexual assaults against minors receive 20 years. Homosexuality remains a criminal offense.

## Samoa

**Population:** 200,000

**Capital:** Apia

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

**In January 2008, Samoa's Chamber of Commerce elected a woman to lead the organization for the first time. Debate over the powers of traditional chiefs continued throughout the year, and the legislature introduced a controversial bill in April that would allow chiefs to register customary lands under their names.**

Germany controlled what is now Samoa between 1899 and World War I. New Zealand then administered the islands under a League of Nations mandate; after World War II, a UN mandate. The country became independent in 1962 and changed its name from Western Samoa to Samoa in 1988.

The centrist Human Rights Protection Party (HRPP) has dominated politics since

independence. Tuila'epa Aiono Sailele Malielegaoi secured a second term as prime minister in the 2006 general elections, with the HRPP winning 35 of the 49 legislative seats. The main opposition party, the Samoa Democratic United Party (SDUP), took 10 seats, and independents won the remainder. Minor disturbances occurred in some areas where local populations were unhappy with the results, but the elections were considered open and fair.

In May 2007, Samoa's head of state, Malietoa Tanumafili II, died at age 94, after serving 45 years; he had been appointed for life at independence. The legislature elected in June former prime minister Tuiatua Tupua Tamasese Efi to serve a five-year term as the new head of state.

Debate continued throughout 2008 over the role and powers of village chiefs. *Matai*, or chiefs of extended families, control local government and churches through the village *fono*, or legislature, which is open only to them. Many provide leadership and help their communities to solve conflicts, but abuse of power and excessive punishment also occur. For example, in August 2008, a woman accused of adultery and her five children were banished from their village. In April 2008, the legislature introduced the Land Titles Registration bill that would allow matai to register customary land under their names. Critics argued, however, that this could spark violence and conflict.

In January 2008, Samoa's Chamber of Commerce elected a woman to lead the organization for the first time. In June 2008, female parliamentarians formed a Commonwealth Women's Parliamentary Association to support greater participation of women in Samoan politics.

### Political Rights and Civil Liberties:

Samoa is an electoral democracy. The 2006 legislative elections were deemed free and fair. Before universal suffrage was implemented in 1990, only the matai could vote. Executive authority is vested in the head of state, who is elected for five-year terms by the Legislative Assembly. The head of state appoints the prime minister, who leads the government and names his own cabinet. All laws passed by the 49-member, unicameral Legislative Assembly must receive approval from the head of state to take effect. Although candidates are free to propose themselves for electoral office, the approval of the matai is essential. Two legislative seats are reserved for at-large voters, mostly citizens of mixed or non-Samoan heritage, who have no ties to the 47 village-based constituencies. All lawmakers serve five-year terms. The main political parties are the HRPP and the SDUP.

Official corruption and abuses do not appear as widespread or serious as in some other states in the region. Nevertheless, there have been allegations of corruption over the years. Samoa was ranked 62 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of speech and the press are generally respected. The state operates the Samoa Broadcasting Corporation. In December 2008, the government issued a third commercial television license. There are three English-language and several Samoan newspapers. Journalists are legally required to reveal their sources in defamation suits against them, but this law has not been tested in court. In 2004, publishers, journalists, and civil society groups called on the government to abolish the Printers and Publishers Act of 1982 and the Law of Criminal Libel, claiming that the

statutes made it easier for government officials to sue them; these laws remained in place at year's end. There are several internet service providers, and internet use is growing rapidly. The population has open and free access to the internet. In October 2008, the Supreme Court barred journalists from reporting on the work of the Samoa Commission of Inquiry, investigating gun smuggling involving the police commissioner; the restrictions were imposed on the grounds that the commission's work should proceed without sensationalism or political partisanship.

The government respects freedom of religion in practice, and relations among religious groups are generally amicable. In 2000, the Supreme Court ruled that the 1990 Village Fono Act, which gives legal recognition to village fono decisions, could not be used to infringe on villagers' freedom of religion, speech, assembly, and association. Similar Supreme Court rulings followed in 2003 and 2004. There have been no reports of restrictions on academic freedom.

Freedoms of assembly and association are respected in practice, and human rights groups operate freely. More than 60 percent of adults work in subsistence agriculture, and about 20 percent of wage earners belong to trade unions. Workers have the legal right to bargain collectively, and government workers can strike. The country depends heavily on remittances from more than 100,000 Samoans working overseas.

The judiciary is independent and upholds the right to a fair trial. The Supreme Court is the highest court, with full jurisdiction over civil, criminal, and constitutional matters. The head of state, on the recommendation of the prime minister, appoints the chief justice. Prisons meet basic international standards.

Samoa has no military, and the small police force has little impact in the villages, where the fono settles most disputes. The councils vary considerably in their decision-making styles and in the number of matai involved. Abuses by some fono officials have spurred public debate on the legitimacy of their actions. Light offenses are usually punished with fines in cash or kind; serious offenses result in banishment from the village.

Freedom of movement is generally respected. A new permanent-resident permit was introduced in 2004. The cabinet is required to determine annually the eligibility and residency requirements for permanent-resident permits.

Domestic violence against women and children is common. Spousal rape is not illegal, and social pressure and fear of reprisal inhibit reporting of domestic abuse. Sexual abuse of young girls and illegal drug use are both increasing. Nevertheless, in April 2008, the first-ever use in Samoa of DNA evidence led to the conviction of a rapist, and in September of that year, a high-ranking matai was convicted of unlawful sexual relations with a 14-year-old boy and sentenced to 30 months in prison.

## San Marino

**Population:** 30,000

**Capital:** San Marino

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

A weakened four-party coalition that formed in 2007 disbanded in June 2008 over internal disputes, forcing the legislature to call early elections on November 9 that led to victory for the Patto per San Marino coalition. A new electoral law was passed in May that included provisions to improve women's representation in the legislature and avoid future governmental instability.

Founded in the year 301, according to tradition, San Marino is considered the world's oldest existing republic and is one of the world's smallest states. The papacy recognized San Marino's independence in 1631, as did the Congress of Vienna in 1815. In 1862, Italy and San Marino signed a treaty of friendship and cooperation. Despite its dependence on Italy, from which it currently receives budget subsidies, San Marino maintains its own political institutions. It became a member of the Council of Europe in 1988 and a member of the United Nations in 1992. Tourism and banking dominate the country's economy.

The European Union (EU) Savings Taxation Directive, which provided a way to tax revenue from savings accounts held by EU citizens in a member state other than their country of residence or in certain non-EU countries, took effect in July 2005. San Marino, which was not an EU member, had agreed to participate in the directive, which was intended to prevent harmful tax practices.

Elections for the Grand and General Council, San Marino's parliament, were held in June 2006. The San Marino Christian Democratic Party (PDCS) won 21 of the 60 seats, followed by the Party of Socialists and Democrats (PSD) with 20, the Popular Alliance of Democrats (AP) with 7, the United Left (SU) with 5, the New Socialist Party (NPS) with 3, the Sammarinese for Freedom with 1, the National Alliance with 1, the Sammarinese People with 1 and We Sammarinese with 1. The PSD formed a coalition government with the AP and SU, replacing a government led by the PDCS.

In October 2007, after the government failed to pass the second article of a proposed due process law, the SU pulled its members from the leading coalition government in protest. The move threw the government into a crisis, but the coalition re-formed in late November with the addition of four lawmakers from the new Demo-



crats of the Center party (DdC), which had split off from the PDCS. The ensuing left-wing leading government coalition was composed of the PSD, AP, SU, and DdC.

In June 2008, the new leading coalition collapsed when the AP withdrew its delegates, denouncing the PSD. The PSD, SU, and DdC attempted to maintain a majority coalition, which subsequently fell apart when two members of the PSD left, leaving the coalition with minority representation. The move forced the Council to call early elections for November, which put the center-right *Patto per San Marino* coalition—comprised of the PDCS, the AP, the Freedom List, and the Sammarinese Union of Moderates—in power with 54 percent of the vote and 35 parliamentary seats, compared to 46 percent and 25 seats for the center-left *Riforme e Liberta* coalition comprised of the PDS, the SU, and DdC.

A new electoral law was passed in August 2008 that made several changes to the old system. Under the new system, in an effort to avoid future governmental collapses, a majority of 50 percent plus 1 must be earned by the winning coalition, as well as at least 30 of the 60 parliamentary seats. Additionally, no more than two-thirds of candidates from each party can be of the same gender in an attempt to promote women's representation in government. New rules were also implemented to make it easier for Sammarinese living abroad to vote in elections.

### **Political Rights and Civil Liberties:**

San Marino is an electoral democracy. The 60 members of the Great and General Council, the unicameral legislature, are elected every five years by proportional representation. Executive power rests with the 10-member Congress of State (cabinet), which is headed by two captains-regent selected every spring and fall by the Great and General Council from among its own members to serve as joint heads of state for a six-month period. Although there is no official prime minister, the secretary of state for foreign and political affairs is regarded as the head of government. Fiorenzo Stolfi was elected to the post in July 2006.

The PDCS, the PSD, and the AP are the three dominant political groups in the country. There are several smaller groups, however, and majority governments are usually formed by a coalition of parties.

There are few problems with government corruption in the country. San Marino was not ranked in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of speech and the press are guaranteed. There are three daily private newspapers and one weekly paper, a state-run broadcast system for radio and television called RTV, and a private FM station, Radio Titiano. The Sammarinese have access to all Italian print media and certain Italian broadcast stations. Access to the internet is unrestricted.

The country prohibits religious discrimination by law. Roman Catholicism is the dominant, but not the state, religion. Citizens can voluntarily donate 0.3 percent of their income through their taxes to the Catholic Church or other groups, such as the Waldesian Church—the world's oldest Protestant church—or the Jehovah's Witnesses. Academic freedom is respected in the country.

Residents are free to assemble, demonstrate, and conduct open public discussions. Civic organizations are active. Workers are free to organize into trade unions and bargain collectively with employers. They are also free to strike, if they do not work in military occupations. Approximately half of the country's workforce is unionized.

The judiciary is independent. Lower court judges are required to be noncitizens—generally Italians—to assure impartiality. The final court of review is the Council of Twelve, a group of judges chosen for six-year terms from among the members of the Grand and General Council. The country's prison system generally meets international standards, and civilian authorities maintain effective control over the police and security forces.

The population is generally treated equally under the law, although the European Commission against Racism and Intolerance has raised some concerns in the past about the status of foreigners in the country. San Marino has no formal asylum policy, and a foreigner must live in the country for 30 years to be eligible for citizenship. The European Convention on Nationality recommends that such residence requirements should not exceed 10 years.

Women are given legal protections from violence and spousal abuse, and gender equality exists in the workplace and elsewhere. There are, however, slight differences in the way men and women can transmit citizenship to their children. The country has restrictive laws regarding abortion, which is permitted only to save the life of the mother. In the new 2008 electoral law, a provision was written that no more than two-thirds of the candidates from each party can be of the same gender in an attempt to promote women's participation in government.

## Sao Tome and Principe

**Population:** 200,000  
**Capital:** Sao Tome

**Political Rights:** 2  
**Civil Liberties:** 2  
**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

Following the collapse of Sao Tome and Principe's government in February 2008, a new coalition government was established with Patrice Trovoada, leader of the Independent Democratic Action party, as prime minister. Trovoada's government collapsed in May 2008, however, following a no-confidence vote, which led to the creation of a new coalition government in June 2008, with Joaquim Rafael Branco as prime minister. Meanwhile, members of the country's political elite continued to face allegations of corruption surrounding the exploration of potentially lucrative oil and gas deposits.

The small Gulf of Guinea islands of Sao Tome and Principe gained independence from Portugal in 1975. President Manuel Pinto da Costa's Movement for the Libera-

tion of Sao Tome and Principe (MLSTP) was the country's only legal political party until a 1990 referendum established multiparty democracy. Miguel dos Anjos Trovoada, a former prime minister, returned from exile and won the first democratic presidential election in 1991. He was reelected for a second and final term in 1996.

Fradique de Menezes, backed by Trovoada's Independent Democratic Action (ADI) party, won the 2001 presidential election. A coalition government was formed after no party won a majority in the March 2002 parliamentary elections. International observers declared both polls free and fair.

In July 2003, a group of disgruntled military officers briefly ousted Menezes, although he was returned to power one week later with broad regional and international support. Prime Minister Damiao Vaz de Almeida of the MLSTP-Social Democratic Party (PSD) resigned in 2005, following public discontent and allegations of corruption in the award of oil exploration licenses in the Joint Development Zone (JDZ) with Nigeria.

The Force for Change Democratic Movement (MDFM), in coalition with the Democratic Convergence Party (PCD), took 23 of 55 seats in the March 2006 legislative elections. The MLSTP-PSD won 20 seats, while ADI came in third with 11 seats. Though peaceful, protesters prevented approximately 9,600 people from voting in 18 electoral districts, but a rerun was held in April without incident. Negotiations on the formation of a new coalition government led to the appointment of MDFM leader Tome Soares da Vera Cruz as prime minister in April. Menezes won a second term in the July 2006 presidential election with 60 percent of the vote, defeating Patrice Trovoada, son of the former president.

In October and November 2007, an elite police unit known as the Ninjas repeatedly attacked police headquarters and took hostages, demanding that the government pay them bonuses linked to their training in Angola; the army ended the mutiny and disbanded the unit. The coalition government faced increasing criticism following these incidents, in conjunction with rising public discontent over price increases. Cabinet changes were made in November 2007, but the ADI withdrew its support following the controversial appointment of Ovidio Pequeno as foreign minister, making the ruling coalition a minority in the National Assembly.

The government collapsed in February 2008 after the 2008 budget proposal was defeated in the National Assembly. A new coalition government was established, comprised of the MDFM, the PCD and the ADI. Patrice Trovoada, leader of the ADI, was appointed as prime minister, which secured ADI support. However, the controversial defense and foreign ministers kept their posts. Despite controlling 35 out of 55 seats, the government collapsed in May 2008 following a no-confidence vote. A new coalition government was formed in June 2008 with Joaquim Rafael Branco, leader of the MLSTP-PSD, at the head. The ADI refused to join, but the government still gained a majority in the National Assembly with 43 seats, and the controversial defense and finance ministers were removed. Following a long delay, the National Assembly approved the 2008 budget in May. In September 2008, computers containing electoral data were stolen, casting doubt on future elections including the municipal elections scheduled for August 2009, which may now be delayed.

Large oil and natural gas deposits are thought to lie off the coast, though production is not expected to begin before 2010. A 2001 territorial agreement with Nigeria resulted in the creation of the JDZ, with Sao Tome and Principe receiving 40 per-

cent of oil and gas revenue. Corruption allegations have surrounded the process by which exploration blocks in the JDZ are awarded, particularly those granted to Nigerian-controlled companies. There has also been controversy over signature bonuses for the awarding of rights to JDZ blocks. In 2008, bonus funds intended to be transferred to Sao Tome's oil account were allegedly transferred to a Nigerian bank, although the governor of the central bank denied the charge. Due to concerns about the rate at which the government spends bonuses, the National Assembly's audit committee is scheduled to begin an investigation.

Despite the promise of future wealth, the country continues to face serious poverty and an unemployment rate of roughly 45 percent. Sao Tome ranked 123 out of 177 countries on the UN Development Program's 2007/2008 Human Development Index. Sao Tome has benefited from debt relief under the Highly Indebted Poor Countries (HIPC) initiative since 2000. In 2007, the International Monetary Fund (IMF) and World Bank agreed to forgive 91 percent of the country's external debt, approximately US\$327 million, and the Paris Club canceled all of the country's debt. Sao Tome's poverty reduction and growth facility ended in August 2008, but the government is likely to seek a new agreement. The National Assembly approved a new investment code in July 2008, and in October announced the restructuring of the poor-performing state-owned National Water and Electricity Company (EMAE), potentially leading to its privatization. In October 2008, Sao Tome became the 180th member country of the International Finance Corporation (IFC), which supports private sector growth.

### **Political Rights and Civil Liberties:**

Sao Tome and Principe is an electoral democracy. Presidential and legislative elections held in 2006 were deemed credible, though there were reruns in a number of districts where balloting was disrupted. The president is elected for a five-year term and can serve up to two consecutive terms. Members of the unicameral, 55-seat National Assembly are elected by popular vote to four-year terms. Four party blocs currently hold seats in the legislature, and a number of other parties exist and compete for elected office. Smaller parties often join forces with larger parties to form coalitions.

The country's potential oil wealth has fueled growing corruption among members of the ruling elite. In 2005, the legislatures of Nigeria and Sao Tome and Principe agreed to form a joint parliamentary oversight committee to monitor the JDZ, and Sao Tome's attorney general requested cooperation from Nigeria in his investigation of exploration licenses that year. In October 2008, President Menezes replaced the Natural Resources and Energy Minister with another member of the MDFM after the minister was accused of demanding illegal payments from the EMAE. However, the new minister quit after two weeks, citing health issues, and was replaced in November by Cristina Dias, another MDFM party member. In December 2008, a corruption case involving two former prime ministers and the mismanagement of foreign aid, which accounts for almost 90 percent of Sao Tome's budget, was adjourned after the suitability of the presiding judge was questioned by the defense. The country was ranked 121 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is protected by the constitution and respected in practice. While the state controls a local press agency and the only radio and television

stations, no law forbids independent broadcasting. Opposition parties receive free airtime, and newsletters and pamphlets criticizing the government circulate freely. Residents have access to foreign broadcasters, including Voice of America. The government does not restrict internet access, but a lack of infrastructure limits penetration.

Freedom of religion is respected within this predominantly Roman Catholic country. The government does not restrict academic freedom. Education is compulsory through the sixth grade, and tuition is free up to the age of 15, or sixth grade, though rural students often stop attending school after fourth grade.

Freedoms of assembly and association are respected. Citizens have the constitutional right to demonstrate with two days' advance notice to the government. Workers' rights to organize, strike, and bargain collectively are guaranteed and respected.

The judiciary is independent, though occasionally subject to manipulation. The Supreme Court has ruled in the past against both the government and the president. The court system is understaffed, inadequately funded, and plagued by long delays. Prison conditions are harsh.

There is societal discrimination against homosexuals. Although testing is free and antiretroviral drugs are available, persons with HIV/AIDS have been shunned by their communities and families.

The constitution provides equal rights for men and women, but women encounter significant discrimination in all sectors, including education and employment. Several women have been appointed to cabinet positions, including the premiership. There are currently only two women in the National Assembly. Domestic violence against women is reportedly common and rarely prosecuted. Women are often disadvantaged because of their reluctance to take disputes outside their families by a lack of knowledge about their rights.

## Saudi Arabia

**Population:** 28,100,000

**Capital:** Riyadh

**Political Rights:** 7

**Civil Liberties:** 6

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,6NF	7,6NF	7,6NF	7,6NF

### Overview:

Saudi Arabia made little progress on political and judicial reform in 2008, and the government continued to crack down on activists who called for expanded human and political rights. The limited electoral component of that process remained tenuous in 2008, as Saudi authorities made no commitment to hold municipal council elec-

**tions scheduled for 2009. While the downturn in the price of oil at the end of 2008 undermined the country's ability to spend lavishly on development plans, it is well positioned to weather a short-term run of lower oil prices due to prudent budgeting.**

Since its unification in 1932 by King Abdul Aziz Ibn Saud, Saudi Arabia has been controlled by the al-Saud family; the current king, Abdullah bin Abdul Aziz al-Saud, is the sixth in the ruling dynasty. The Saudi monarchy governs in accordance with a conservative school of Sunni Islam. In the early 1990s, Saudi Arabia embarked on a limited program of political reform, introducing an appointed Consultative Council, or Majlis al-Shura. However, this step did not lead to any substantial shift in political power. In 1995, King Fahd bin Abdul Aziz al-Saud suffered a stroke, and Abdullah, then the crown prince, took control of most decision making in 1997.

After the country endured a series of terrorist attacks in 2003 and 2004, the Saudi government intensified its efforts to crush terrorism at home and abroad. The authorities killed dozens of suspects over subsequent years and detained thousands of others. While officials also took steps to stem the flow of financial support to terrorist groups, implementing new rules against money laundering and scrutinizing the work of charitable organizations, they were not successful in preventing Saudi citizens from committing acts of terrorism abroad. Thousands of Saudis went to Iraq in the years following the U.S.-led invasion in 2003 to participate in what they believed to be an anti-American and anti-Shiite jihad.

The formal transfer of power from King Fahd, who died in August 2005, to King Abdullah led to increased expectations of political reform. However, Abdullah enacted few significant changes. While reform was supported in Saudi society, it was not widely embraced within the royal family, which was reluctant to part with any political power.

Saudi Arabia organized elections for municipal councils in 2005, giving Saudi men a limited opportunity to select some of their leaders at the local level. Women were completely excluded from the process. The eligible electorate consisted of less than 20 percent of the population: male citizens who were at least 21 years old, not serving in the military, and resident in their electoral district for at least 12 months. Half of the council seats were open for election, and the other half were appointed by the monarchy. Candidates supported by conservative Muslim scholars triumphed in the large cities of Riyadh and Jeddah, and minority Shiite Muslim voters participated in large numbers, seizing the opportunity to voice their opinion. Saudi authorities ultimately determined that the councils would serve only as a source of advice for local governors and would possess no authority to act on the grievances of the electorate.

In 2007, Abdullah announced bylaws for the composition and operation of the Allegiance Institution, composed of the sons (or grandsons in the event of their deaths) of the founding king, Abdul Aziz. The committee, chaired by the oldest surviving son, would make decisions on the succession by majority vote using secret ballots and would require a quorum of two-thirds of the members. The arrangement would be added to the Basic Law but would not apply until after the current crown prince, Sultan bin Abdul Aziz al-Saud, became king. The new committee would also have the authority to deem a king or crown prince medically unfit to rule, based on the advice of an expert panel.

In 2008, Abdullah launched an initiative that aimed to bring leaders from the world's major religious groups together to promote dialogue and tolerance and to combat terrorism. The program resulted in a three-day conference held in Madrid in July. Over 300 delegates representing Islam, Judaism, Christianity, Hinduism, Buddhism, and other faiths attended.

In June, the Ministry of the Interior announced that it had detained over 700 suspected militants who were planning attacks inside the kingdom, indicating that the threat of terrorism remained serious despite years of strong police measures. Also during the year, the government was reportedly considering a two-year postponement of the municipal elections scheduled for 2009. By the end of the year, the government had yet to make an announcement about whether the elections would be held. It was also unclear whether women would be able to participate in the next round of voting.

Saudi Arabia has the largest proven oil reserves in the world. The country's oil resources and importance to the global economy are key factors in its external relations, and the al-Saud dynasty uses its unmatched wealth to shape and control internal politics. However, the government's dominance of the economy, endemic corruption, and financial mismanagement have led to some problems, including a decline in real gross domestic product (GDP) per capita over the last decade. Rising oil prices have driven high rates of inflation. Unemployment is estimated at about 25 percent, and a growing youth population is adding to pressure on the government to create new jobs. To cope with these concerns, the government has been spending rather than saving its oil revenues, servicing debt, and encouraging private investment. The result has been several years of sustained growth and increasing confidence in the long-term viability of the nonpetroleum sector, though the global economic crisis of late 2008 triggered a sharp drop in oil prices. The downturn placed new stresses on the kingdom, most importantly by diminishing the extent to which it was able to spend on development programs. However, as a result of careful budgeting, Saudi Arabia has yet to face any significant related political fallout.

**Political Rights and Civil Liberties:** Saudi Arabia is not an electoral democracy. The country's 1992 Basic Law declares that the Holy Koran and the Sunna (the guidance set by the deeds and sayings of the prophet Muhammad) are the country's constitution. The king appoints a 150-member Majlis al-Shura (Consultative Council) every four years. This council serves in an advisory capacity and has limited powers. The Council of Ministers, an executive body appointed by the king, passes legislation that becomes law once ratified by royal decree. The monarchy has a tradition of consulting with select members of Saudi society, but this process is not equally open to all citizens. Criticism of the political system, the royal family, and demands for reform remain off-limits. Activists who speak out too loudly for change are subject to various punishments, including imprisonment and restrictions on travel.

The al-Saud dynasty dominates and controls political life in the kingdom. The royal family forbids the formation of political parties, and organized political opposition exists only outside of the country, with many activists based in London. The government has consistently cracked down on Saudi citizens who press for greater political freedoms. Then crown prince Abdullah appeared to support domestic calls

for political reform in 2003 by holding several high-profile meetings with leading activists, but tolerance of the nascent reform lobby proved short-lived. In early 2004, the authorities splintered the movement by arresting several key figures who had attempted to create an independent human rights organization, including Abdullah al-Hamed. The government continued to imprison reformers in 2008; al-Hamed served a six-month jail term for encouraging the wives of political detainees to protest. Matrouk al-Faleh, another advocate of political reform, was arrested in May after criticizing the government for its treatment of al-Hamed. Al-Faleh remained in detention at year's end. State authorities have attempted to undermine the credibility of the reform movement and justify their crackdown by falsely linking activists to religious militants.

Corruption is a significant problem, with foreign companies reporting that they often pay bribes to middlemen and government officials to secure business deals. Saudi Arabia was ranked 80 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government tightly controls content in domestic media and dominates regional print and satellite television coverage. Members of the royal family own major shares in news outlets across the region. Government officials have banned journalists and editors who publish articles deemed offensive to the country's powerful religious establishment or the ruling authorities. The regime has also taken steps to limit the influence of new media, blocking access to over 400,000 websites that are considered immoral or politically sensitive. Fouad al-Farhan, a prominent blogger who criticized corruption and persistently called for political reform, was imprisoned without charges from December 2007 to April 2008 for comments made on his blog. In September 2008, the head of the Supreme Judiciary Council issued an edict allowing the killing of the owners of satellite television channels if they air immoral content.

Religious freedom does not exist in Saudi Arabia, the birthplace of Islam and home to the faith's two holiest cities—Mecca and Medina. Islam is the official religion, and all Saudis are required by law to be Muslims. The government prohibits the public practice of any religions other than Islam and restricts the religious practices of the Shiite and Sufi Muslim minority sects. Although the government recognizes the right of non-Muslims to worship in private, it does not always respect this right in practice.

Academic freedom is restricted, and informers monitor classrooms for compliance with limits on curriculums, such as a ban on teaching secular philosophy and religions other than Islam. In 2004, the government began efforts to reform school curriculums by deleting disparaging references to non-Muslims in textbooks. However, in 2005, Abdullah bin Saleh al-Obaid, a religious conservative, was appointed as education minister, replacing a reformer who had been accused of secularism. Al-Obaid announced the formation of a committee of experts to make fresh curriculum revisions in 2006. In January 2008, authorities began to introduce a human rights curriculum into the education system. Despite the changes to textbooks, intolerance in the classroom remains an important problem, as some teachers continue to espouse discriminatory and hateful views of non-Muslims and Muslim minority sects.

Saudis do not enjoy freedoms of association and assembly. The government frequently arrests and detains political activists who stage demonstrations or engage in other civic advocacy. In 2003, the government approved the establishment



of the National Human Rights Association (NHRA), a semiofficial organization charged with reviewing allegations of human rights violations and monitoring the country's compliance with international human rights agreements. The NHRA reported in September 2008 that it had received about 10,000 human rights complaints; it has reportedly taken little action.

In 2005, the government approved new labor legislation aimed at bringing Saudi law into line with international standards before the country joined the World Trade Organization in December of that year. The law extended protections to previously unregulated categories of workers, set end-of-service benefits, established clear terms for terminating employment, and required large companies to provide nurseries to help working mothers. It also banned child labor and set provisions for resolving labor disputes. In addition, the new law sought to advance the "Saudization" of the country's workforce by stipulating that Saudis must make up at least 75 percent of a company's employees. Finally, the law stated that women are permitted to work in "all sectors compatible with their nature." There continues to be virtually no protection for the more than six million foreign workers in Saudi Arabia. Many of these laborers, falsely lured to the kingdom with promises of great wealth, are forced to endure dangerous working and living conditions. There continue to be public reports of female domestic workers suffering regular physical, sexual, and emotional abuse.

Sweeping judicial reforms were promised in 2005, and Abdullah in 2007 announced the establishment of a new Supreme Court and an Appeals Court, whose members would be appointed by the king. The new higher courts would replace the old judiciary council, which was widely considered reactionary and inconsistent. However, it remained unclear in 2008 when the new system would go into effect. In July, the Council of Ministers announced that it would form a Special Higher Commission of judicial experts charged with writing laws to serve as the foundation for verdicts in Saudi Arabia's Sharia (Islamic law) courts. While Saudi courts have historically relied on the Hanbali legal school for their rulings, the commission would incorporate all four Islamic legal schools in drafting the new laws. The government allocated about US\$ 1.8 billion for reforms of the judicial system, including the training of judges.

In 2001, the Council of Ministers approved a penal code that bans torture. However, allegations of torture by police and prison officials are common, and access to prisoners by independent human rights and legal organizations is strictly limited. In October 2008, the Ministry of the Interior announced that it would begin trials for hundreds of suspects arrested on charges of terrorism since 2003. Although the ministry originally planned to make the proceedings public, the authorities decided to keep the trials closed.

Substantial prejudice against ethnic, religious, and national minorities prevails. Roughly two million Shiites live in Saudi Arabia, representing 10 to 15 percent of the population. Shiites are underrepresented in major government positions; no Shiite has served as a government minister. Shiites reportedly continued to experience prejudice and discrimination in 2008, including a series of physical assaults. The war in Iraq has increased sectarian anxiety in Saudi Arabia.

Freedom of movement is restricted in some cases. The government punishes activists and critics by limiting their ability to travel outside the country. Reform advocates are routinely stripped of their passports. Abdul Rahman al-Lahem, a lawyer

who has represented reformers and who has been critical of the judiciary, was prevented from traveling abroad to accept two prestigious human rights awards in 2008.

Saudis have the right to own property and establish private businesses. While a great deal of business activity is connected with members of the government, the ruling family, or other elite families, officials have given assurances that newly created industrial and commercial zones will be free from royal-family interference.

Women are not treated as equal members of society, and many laws discriminate against them. They were not permitted to vote in the 2005 municipal elections, they may not legally drive cars, and their use of public facilities is restricted when men are present. By law and custom, Saudi women cannot travel within or outside of the country without a male relative. A February 2008 regulation requires Saudi men seeking government permission to marry foreign women to sign a binding document allowing their foreign-born spouses and their children to travel freely in and out of Saudi Arabia. However, this regulation is not retroactive. Under Saudi law, women married to Saudi men prior to the date of these new regulations still need their husbands' permission to leave Saudi Arabia, and their children still require their fathers' permission to leave the country. Unlike Saudi men, Saudi women who marry non-Saudis are not permitted to pass their nationality on to their children, and their spouses cannot receive Saudi nationality. Saudi women seeking access to the courts must work with a male. According to interpretations of Sharia in Saudi Arabia, daughters receive half the inheritance awarded to their brothers, and the testimony of one man is equal to that of two women in Sharia courts.

The Committee to Prevent Vice and Promote Virtue, a semiautonomous religious police force commonly known as the *mutawa'een*, enforces a strict policy of segregation between men and women and often harasses women, using physical punishment to ensure that women meet conservative standards of dress in public. In 2007, a court sentenced a Shiite woman from Qatif, who had been gang raped by seven men, to 200 lashes and six months in jail for being alone with a man who was not her relative at the time of the attack; the man was also raped by the attackers and punished by the court. The rapists were sentenced to flogging and jail terms ranging from two to nine years. After an international outcry, the king pardoned the two victims in December of that year.

Education and economic rights for Saudi women have improved. Girls were not permitted to attend school until 1964, but now more than half of the country's university students are female. However, female students must attend women's-only campuses, and classes and facilities for women are second-rate. In 2004, women won the right to hold commercial licenses, which opened the door for greater economic participation. In addition, women have generally become more visible in society. In 2005, Saudi state television began using women as newscasters, and two women became the first females elected to Jeddah's chamber of commerce, a small step forward for women's leadership in business. In 2008, the Saudi Human Rights Commission established a women's branch to investigate cases of human rights violations against women and children.

## Senegal

**Population:** 12,700,000

**Capital:** Dakar

**Political Rights:** 3\*

**Civil Liberties:** 3

**Status:** Partly Free



**Status Change:** Senegal's political rights rating declined from 2 to 3, and its status declined from Free to Partly Free, due to the growing authoritarian power of the president and ruling party as well as the increasing marginalization of the opposition, exemplified by the postponement of municipal elections and the arbitrary reduction of the National Assembly president's term.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	3,4PF	3,4PF	2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	3,3PF

### Overview:

President Abdoulaye Wade took several steps to consolidate his power in 2008, postponing municipal elections for the second time, extending the presidential term from five to seven years, and reducing the term of the National Assembly president to eliminate one of his opponents. The Wade administration also banned certain protests, which had increased due to the rising cost of basic commodities, and in one instance sent riot police to arrest and disperse protesters who ignored the ban.

Since independence from France in 1960, Senegal has avoided military or harsh authoritarian rule and has never suffered a successful coup d'etat. President Leopold Senghor exercised de facto one-party rule through the Socialist Party (PS) for nearly two decades after independence. Most political restrictions were lifted after 1981, when Abdou Diouf of the PS succeeded Senghor. He went on to win large victories in unfair elections in 1988 and 1993.

Abdoulaye Wade's victory in the 2000 presidential poll—his fifth attempt—ended four decades of rule by the PS. Wade, the leader of the Senegalese Democratic Party (PDS), defeated Diouf in a runoff with 59.5 percent of the vote, and the election was judged free and fair by international observers. Voters approved a new constitution in January 2001, reducing presidential terms from seven to five years, setting the maximum number of terms at two, and giving women the right to own land for the first time. In that year's National Assembly elections, a coalition led by Wade won 89 of the 120 seats, followed by the PS with 10; smaller parties captured the remainder.

In 2004, Wade dismissed Prime Minister Idrissa Seck on the suspicion that he was challenging the president's leadership within the PDS; Seck was charged with embezzlement and threatening national security. In January 2006, the High Court

ordered his release from pretrial detention after the national security charges were dropped.

Also in 2006, the National Assembly approved Wade's proposals to postpone legislative elections until 2007, ostensibly for financial reasons, to increase the number of seats in the National Assembly from 120 to 150, and to amend the constitution to create an upper house, the Senate. Of the new body's 100 members, 65 would be appointed by the president.

Despite these moves, Wade secured a second term as president in the February 2007 election, which drew an impressive 70.5 percent turnout. The opposition had been unable to unite behind a single candidate, and Wade was helped by support from a number of the country's influential Muslim brotherhoods, including his own Mouride brotherhood, which was considered the most powerful. The opposition accused the government of vote rigging and Wade of refusing to engage in dialogue with opposition politicians. As a result, the PS and 11 other parties, including Seck's newly formed Rewmi (Country) Party, boycotted the June 2007 National Assembly elections. The ruling PDS consequently secured 131 of the 150 seats, with a record low turnout of 35 percent. In August 2007, national, regional, and municipal legislators cast ballots for 35 Senate seats, of which the PDS won 34.

Confrontation with the opposition intensified in 2008, with neither side appearing eager to engage in constructive dialogue. In June, the opposition began a series of "national conferences" that brought together over 80 nongovernmental organizations (NGOs) and political parties to discuss Senegal's economic and social problems as well as the political stalemate with the PDS. The administration refused to participate.

Meanwhile, Wade in March postponed the May 2008 municipal elections until March 2009. The government had earlier postponed them for a year from their original date of May 2007 on the grounds that they would be held too close to the June 2007 legislative elections. In July, the PDS-dominated National Assembly approved the government's proposal to amend the constitution to extend the presidential term to seven years. While the amendment did not apply to Wade's current term, it opened the possibility that he could run for reelection in 2012, at the age of 85.

The issue of Wade's successor began to create a split within the PDS during the year, with some supporting Wade's son, Karim, and others backing National Assembly president Macky Sall, a former prime minister (2004-07) and the chief organizer of the president's 2007 reelection campaign. Wade quickly moved to reduce the term of the National Assembly president from five years to one, and the National Assembly approved the change in October, effectively removing Sall from the position. Sall's ensuing expulsion from the PDS cost him his parliamentary seat as well as his position as mayor of Fatick. Separately, former prime minister Seck finally appeared before the High Court in April to face the remaining corruption charges against him; his relations with Wade had recently improved, though the charges were not dropped by year's end.

The separatist conflict in the Casamance region remained unresolved in 2008. Augustine Diamacoune Senghor, the leader of the separatist Movement of the Democratic Forces of Casamance who signed a peace agreement with the government in 2004, had died in January 2007, and the head of a group of government-appointed mediators had been assassinated in December of that year, raising doubts about the

future of the peace process. In one of the worst violent incidents in 2008, a land mine killed 20 people on a bus in May.

Senegal's lucrative trade deal with France, under which it receives \$163 million in aid each year, is due to expire in 2010. In 2008, the Senegalese government signed an agreement with China that removed Chinese tariffs on over 400 types of Senegalese exports.

### **Political Rights and Civil Liberties:**

Senegal is an electoral democracy. The National Observatory of Elections has performed credibly in overseeing legislative and presidential polls since its creation in 1997. The president is elected by popular vote for up to two terms, and the length of the term was extended from five to seven years by a constitutional amendment in 2008. While this does not apply to the current five-year term Abdoulaye Wade is now serving as president, he has expressed his intention to stand for reelection in 2012, when he will be 85.

The president appoints the prime minister. In June 2007, Wade named Cheikh Hadjibou Soumare, a bureaucrat, to the position. The apolitical nature of the appointment has reduced the importance of the premiership following the president's high-profile confrontations with former prime ministers Idrissa Seek and Macky Sall.

Elections for the 150-seat National Assembly, now the lower house of a bicameral legislature, are held every five years. After being postponed from their original April 2006 date, the latest polls were held in June 2007. The newly created upper house, the Senate, consists of 35 members elected by public officials and 65 members appointed by the president. Municipal elections have now been postponed twice and are currently scheduled for March 2009.

There are more than 75 legally registered political parties in Senegal. Major parties include the ruling PDS, the PS, the Alliance of Progressive Forces (AFP), and Seck's Rewmi Party. The PDS currently dominates most political offices; the opposition was significantly weakened by the events of 2007 and was unable to regain ground in 2008.

Although the government has initiated reforms to strengthen the rule of law and improve transparency, corruption remains a problem. Senegal has a reputation for good governance and limited economic corruption compared with other countries in the region. In 2008, when an internal government audit uncovered serious irregularities and off-budget spending believed to total 109 billion CFA francs (US\$263 million), the state budget director was quickly fired. Senegal was ranked 85 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is generally respected, and members of the independent media are often highly critical of the government. There are approximately 20 independent radio stations, but the government owns the only national television station, which provides favorable coverage. In August 2008, government forces ransacked the offices of two private newspapers, *L'As* and *24 Heures Chrono*, following critical coverage of the crafts and aviation minister, Farba Senghor. However, by mid-September, 12 men associated with the crime had been convicted and sentenced to as many as six years in prison, and Senghor, who was believed to have orches-

trated the attack, was dismissed from his post. Libel remains a criminal offense that is punishable with imprisonment. Access to the internet is not restricted.

Religious freedom is respected, and the government provides hundreds of free airline tickets to Senegalese Muslims and Christians undertaking pilgrimages to holy sites overseas. Senegal is a predominantly Muslim country, with 94 percent of the population practicing Islam. The country's Sufi Muslim brotherhoods are very influential; Wade has close ties with the most powerful brotherhood, the Mouride. In 2008, Senegal became the first African country to host the summit of the Organization of the Islamic Conference.

Academic freedom is legally guaranteed and respected in practice. The government allows four hours of religious education per week in public schools, and the Ministry of Education often distributes funds to high-quality private religious institutions.

While freedoms of association and assembly are guaranteed, they were limited in practice in 2008. A number of demonstrations took place during the year, some of which degenerated into riots or ended in clashes with police. In March, demonstrators protested the rising price of commodities despite a government ban, leading to the deployment of riot police and the most violent clashes of the year. The government allowed an opposition protest against rising food prices the following month, but the movement subsequently grew, and by May, key labor unions had joined calls for reduced prices and public sector pay increases. In July, the government banned another demonstration, this time in opposition to the government's extension of the presidential term. Finally, in October, a pair of unrelated riots erupted around Dakar—one stemmed from the disqualification of Senegal's national football team for the 2010 World Cup, and the other involved public frustration with repeated power failures.

Human rights groups and NGOs operate freely in Senegal. Although workers' rights to organize, bargain collectively, and strike are legally protected for all except security employees, the labor code requires the president's approval for the initial formation of a trade union. Civil-service employees intending to strike are required to notify the government at least a month in advance, and private sector strikes require at least three days' notice.

The judiciary is independent by law, but poor pay and lack of tenure expose judges to external influences. Uncharged detainees are incarcerated without legal counsel far beyond the lengthy periods already permitted by law. Prison conditions are poor.

In 2000, a Senegalese court charged former Chadian president Hissene Habre, who has been living in exile in Senegal since 1990, with torture and crimes against humanity, but existing Senegalese law did not allow the country's authorities to try him. However, acting on African Union recommendations, the National Assembly in 2006 passed a law allowing crimes against humanity committed abroad to be tried in Senegal, and in 2008, it passed a constitutional amendment allowing such crimes to be tried retroactively, clearing the way for Habre's trial.

Women's constitutional rights are often not honored, especially in rural areas, and women enjoy fewer opportunities than men for education and formal employment. In March 2007, the legislature overwhelmingly approved a bill that would increase the number of female representatives in the National Assembly in future elec-

tions by requiring all parties to introduce gender parity to their national candidate lists. Due to an appeal filed by the PS, the law did not take effect in time for the 2007 legislative elections. Only two sexual harassment cases have been brought in the courts since 1995, and men remain the legal heads of households. Many elements of Sharia (Islamic law) and local customary law, particularly those regarding inheritance and marital relations, discriminate against women.

Child trafficking is a problem in Senegal. A 2007 study conducted by UNICEF, the International Labor Organization, and the World Bank found that boys had been taken in by religious teachers' promises to educate them, but had been physically abused and forced to beg instead; 6,480 such boys were found in Dakar alone. Separately, in 2008, the Ministry of Tourism established a police unit responsible for combating sex tourism.

## Serbia

**Population:** 9,600,000 [Figure includes population of Kosovo.]

**Capital:** Belgrade

**Political Rights:** 3

**Civil Liberties:** 2

**Status:** Free



*Note:* The ratings through 2002 are for the Federal Republic of Yugoslavia, of which Serbia was a part, and those from 2003 through 2005 are for the State Union of Serbia and Montenegro. Kosovo is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	4,4PF	3,3PF	3,2PF	3,2F	3,2F	3,2F	3,2F	3,2F	3,2F

### Overview:

**Kosovo's February 2008 declaration of independence led to snap parliamentary elections in Serbia, and Belgrade recalled its ambassadors from countries that recognized Kosovo's statehood. Parties that favored European Union integration won the May elections, and almost all of Serbia's envoys had returned to their posts in foreign capitals by year's end. Serbia also considerably improved its cooperation with the United Nations war crimes tribunal by arresting and extraditing two key fugitives during the summer, including former Bosnian Serb leader Radovan Karadzic.**

Serbia was recognized as an independent state in 1878 after several centuries under Ottoman rule. It formed the core of the Kingdom of Serbs, Croats, and Slovenes proclaimed in 1918. After World War II, it became a constituent republic of the Socialist Federal Republic of Yugoslavia, under the Communist rule of Josip Broz Tito.

Within the boundaries of the Serbian republic as drawn at that time were two autonomous provinces: the largely Albanian-populated Kosovo in the south, and Vojvodina, with a significant Hungarian minority, in the north.

After Tito's death in 1980, Slobodan Milosevic, a functionary in the League of Communists of Serbia (renamed the Socialist Party of Serbia, or SPS, in 1990) began his gradual rise to power. Following the disintegration of Yugoslavia in 1991, the former Yugoslav republics of Serbia and Montenegro in 1992 formed the Federal Republic of Yugoslavia (FRY). Serbia under Milosevic was extensively involved in the 1991-95 wars that accompanied the old federation's breakup, both in Bosnia and Herzegovina and in Croatia. Milosevic and the SPS succeeded in ruling Serbia throughout the 1990s by controlling the country's security forces, financial institutions, and state-owned media.

In 1998-99, an ethnic Albanian insurgency in Kosovo provoked increasingly violent reprisals by FRY forces against the guerrillas and segments of the civilian population. In March 1999, NATO launched a 78-day bombing campaign against the FRY to force the withdrawal of Yugoslav and Serbian forces from the province. A NATO-led force then occupied Kosovo, and the United Nations Interim Mission in Kosovo (UNMIK) oversaw institution-building efforts.

Milosevic was forced from office in October 2000, after his attempt to steal the September Yugoslav presidential election from opposition candidate Vojislav Kostunica of the Democratic Party of Serbia (DSS) drew hundreds of thousands of protesters to Belgrade. An anti-Milosevic coalition, the Democratic Opposition of Serbia (DOS), took power following Serbian parliamentary elections in December, and Zoran Djindjic of the Democratic Party (DS), part of the DOS, became Serbia's prime minister. The FRY was replaced with a looser State Union of Serbia and Montenegro in 2003, and each republic was granted the option of holding an independence referendum after three years.

Djindjic was assassinated by organized crime groups allied with Milosevic-era security structures in March 2003, and after parliamentary elections in December, Kostunica became Serbia's prime minister at the head of a fragile coalition government. DS leader Boris Tadic won the Serbian presidency—vacant since the Milosevic-era occupant stepped down in 2002—in a June 2004 election, defeating Tomislav Nikolic of the ultranationalist Serbian Radical Party (SRS).

Montenegro held a successful referendum on independence in May 2006, formally breaking away the following month. Nevertheless, the main anti-Milosevic parties—including the DS, the DSS, and G17 Plus—managed to collectively outpoll the SRS and SPS in January 2007 parliamentary elections and form another coalition government led by Kostunica in May. Tadic won a second term as president in early February 2008, taking 51 percent of the vote in a runoff with Nikolic.

Later that month, after years of unsuccessful negotiations, Kosovo unilaterally declared its independence from Serbia. In response, the Serbian government strengthened its control over Serb-populated sections of northern Kosovo and recalled its ambassadors from countries that endorsed Kosovo's statehood. Days after the independence declaration, rioters in Belgrade attacked and burned the U.S. embassy and the diplomatic offices of other countries that had recognized Kosovo.

Debate over the proper approach to the Kosovo problem increased tensions within Prime Minister Kostunica's government, and in March he resigned and called



for new parliamentary elections. The ensuing May polls resulted in an undisputed victory for the DS and its smaller allies, which favored economic reform and European Union (EU) integration. Significantly, the new coalition government, led by Mirko Cvetkovic, brought the SPS—now portraying itself as a mainstream center-left party—into power for the first time since 2000. It also marked the first time since 2000 that a single party, the DS, controlled the presidency, the premiership, and a working majority in parliament. This shift toward stability continued in September, when moderates within the SRS broke with the party's hard-liners, further marginalizing the country's ultranationalist factions.

The DS and its allies had been bolstered in part by the EU's decision to sign a Stabilization and Association Agreement (SAA) with Serbia in April, which held out the prospect of future EU membership if the country continued on a moderate course. By the fall, Belgrade had returned most of its ambassadors to their posts abroad and opted to challenge Kosovo's secession through legal and diplomatic means, rather than impose an embargo or provoke violence. The UN General Assembly in October endorsed Serbia's appeal to the International Court of Justice, though the case was expected to take several years to resolve.

### **Political Rights and Civil Liberties:**

Serbia is an electoral democracy. The president, elected to a five-year term, plays a largely ceremonial role. The National Assembly is a unicameral, 250-seat legislature, with deputies elected to four-year terms. The prime minister is elected by the Assembly. Both the presidential and parliamentary elections in 2008 were deemed free and fair by international monitoring groups.

Serbia adopted a new constitution in October 2006. The charter, which included a provision that reasserted Serbia's claim to Kosovo, was endorsed by ethnic minority leaders and representatives of the main religious communities. Although critics found several flaws in the new charter, most observers deemed it an improvement over the previous document, which dated to the era of late Yugoslav president Slobodan Milosevic. Regulating the status of the autonomous province of Vojvodina, home to a significant Hungarian population, remains a topic of considerable political debate.

Numerous political parties compete for power. The main parties are the DS, led by President Boris Tadic; the DSS, led by former prime minister Vojislav Kostunica; the SRS, officially headed by war crimes defendant Vojislav Seselj; G17 Plus, a party that emerged from an economic think-tank; and Milosevic's old SPS, which has sought to adopt a more moderate image. After SRS presidential candidate Tomislav Nikolic split with Seselj loyalists—partly due to his support of the SAA with the EU—in September 2008, he and other disaffected SRS members formed the new Serbian Progressive Party. A host of smaller parties also exist, but their influence is minimal.

Serbia has made some progress in the battle against corruption since the Milosevic period, but it remains a serious concern. Serbia was ranked 85 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The press is generally free and operates with little government interference, although most media outlets are thought to be aligned with specific political parties.

During the February 2008 riots after Kosovo's declaration of independence, a prominent television and radio broadcaster that was generally considered to be "pro-Western," B-92, was besieged by the rioters. In March, several media outlets reported receiving threats for "unpatriotic reporting." Investigative journalism in Serbia remains weak, and businesspeople and government agencies often try to influence outlets through advertising purchases. Libel remains a criminal offense punishable by fines, but not imprisonment. There were no reports of the government restricting access to the internet.

The 2006 constitution guarantees freedom of religion, which is generally respected in practice. However, increases in interethnic tension often take the form of religious intolerance. The April 2006 Law on Churches and Religious Communities was intended to improve the independence and legal standing of religious communities in the aftermath of Communist rule, but critics have claimed that it privileges seven "traditional" religious communities by giving them tax-exempt status or by forcing other groups to go through cumbersome registration procedures. In May 2006, the parliament approved legislation on returning property that had been confiscated from religious communities during the Communist period. There were no reports that the government attempted to restrict academic freedom during 2008.

Citizens enjoy freedoms of assembly and association. Foreign and domestic non-governmental organizations have the freedom to pursue their activities, although the legal structure governing such groups has not been updated since the Milosevic era. The laws and constitution allow workers to form or join unions, engage in collective bargaining, and strike. In April 2008, two representative trade unions and employers' organizations signed a new general collective agreement, which was seen as a major step in promoting social dialogue. The pact covered workers' rights and other topics, such as absence, fringe benefits, and workplace safety.

Legal and judicial reform has been slow in recent years because of the complicated political situation. The EU's 2008 progress report on Serbia noted that the quality and professionalism of judges is relatively high, and that pay for judges has improved, but it cited concerns over the investigative capacity of the prosecutorial service and political influence in the selection of judges. The judicial system suffers from a large backlog of cases, long delays in filing formal charges against suspects, and the failure of legislative institutions to heed judicial rulings. Prisons are generally considered to meet international standards, although overcrowding, drug abuse, and violence among inmates remain serious problems.

Serbian cooperation with the UN International Criminal Tribunal for the former Yugoslavia (ICTY) improved significantly in 2008, especially after the arrests of two suspects who were wanted by the tribunal. Former Bosnian Serb police chief Stojan Zupljanin was arrested in June, and former Bosnian Serb leader Radovan Karadzic—a high-priority fugitive—was captured in July. Both men were quickly extradited to the ICTY. By year's end, 44 out of the tribunal's 46 Serb indictees had been arrested, leaving only former Bosnian Serb military commander Ratko Mladic and a former Croatian Serb leader at large.

Cultural and ethnic minorities have access to media in their own languages, their own political parties, and other types of associations. Nevertheless, they are underrepresented in government. The country's main ethnic minorities are the Bosniaks (Muslim Slavs), concentrated in the Sandzak region adjacent to

Montenegro; an Albanian population in the Presevo Valley, adjacent to Kosovo; and the Hungarian community in Vojvodina. There are concerns that tensions in Kosovo could spill into Presevo, and that the spread of extreme forms of Islam in the Sandzak could lead to other problems. Tensions within the Bosniak community mounted in 2008 due to increasing rivalry between two leading Bosniak politicians, and separately, rival Bosniak clerics. There are frequent complaints of police harassment and unfair treatment of the Romany community.

Conditions in mental institutions are exceptionally poor. A report released in November 2007 by Mental Disability Rights International claimed that very serious cases of abuse and neglect of individuals with mental disabilities had been found in Serbia.

There are 53 women in the 250-seat parliament elected in May 2008, and 5 women currently serve as ministers in Serbia's 23-member government. According to electoral regulations, at least 30 percent of a party's candidate list has to be made up of women. Although women are legally entitled to equal pay for equal work, traditional attitudes often limit women's roles in the economy. A study released in 2007 showed that women account for 54 percent of the unemployed in Serbia and 80 percent of the illiterate population. Domestic violence remains a serious problem. The 2005 Law on the Family criminalized "behavior by one of the family members that endangers the bodily integrity, mental health or peace of another family member," although its implementation has been difficult due to the reluctance of victims to report such cases to the police and to prevailing patriarchal social norms. Some towns in southern Serbia have become transit points for the trafficking of women from the former Soviet Union to Western Europe for the purpose of forced prostitution.

## Seychelles

**Population:** 90,000

**Capital:** Victoria

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

The Seychelles economy was buffeted by rising food and fuel costs for much of 2008, although the political arena remained relatively placid. A new chief justice who was appointed in August promised to reduce a backlog of court cases.

The Seychelles gained independence from Britain in 1976 but remained a member of the Commonwealth. The country functioned as a multiparty democracy until

1977, when Prime Minister France-Albert Rene seized power from President James Mancham. Rene then made his Seychelles People's Progressive Front (SPPF) the sole legal party, winning one-party "show" elections in 1979, 1984, and 1989. By 1992, however, the SPPF had passed a constitutional amendment legalizing opposition parties, and many exiled leaders returned. Rene won multiparty elections in 1993.

The Seychelles National Party (SNP), led by Wavel Ramkalawan, emerged as the strongest opposition group in 1998 elections. Rene won a narrow victory in the 2001 presidential election, engendering opposition complaints of fraud. In October 2002, Rene dissolved parliament and called for early legislative elections. Although the SPPF won, the SNP made significant gains.

Rene stepped down as president in 2004 and was replaced by Vice President James Michel. The Indian Ocean tsunami struck later that year, causing about US\$30 million in damage to public infrastructure; the vital tourism and fishing industries also suffered. Michel defeated Ramkalawan in the July 2006 presidential election. In early October, protesters and security forces clashed outside the parliament building after lawmakers passed a bill restricting private radio-station ownership, effectively ending the opposition's hopes of establishing its own radio station.

The SPPF's majority of 23 seats was left unchanged by the May 2007 legislative elections, with the SNP taking the remaining 11. Michel subsequently restructured his government, placing an emphasis on environmental issues that could affect the country's reputation as a tourist destination.

The Seychelles economy was harmed by rising food and fuel costs for much of 2008. An International Monetary Fund mission in September found that the country suffered from unsustainable debt, rising inflation, and a depletion of the central bank's foreign reserves. By contrast the political arena remained relatively placid. A new chief justice was appointed in August and promised to reduce a backlog of court cases due in large part to a shortage of legal staff.

### **Political Rights and Civil Liberties:**

Seychelles is an electoral democracy. The July 2006 presidential election and the 2007 parliamentary polls were generally viewed as having met basic international norms of legitimacy. However, the ruling SPPF's control over state resources and most media gives its candidates a significant advantage at the polls. The president and the unicameral National Assembly are elected by universal adult suffrage for five-year terms. The head of government is the president, who appoints the cabinet. Of the National Assembly's 34 members, 25 are elected directly and 9 are allocated on a proportional basis to parties gaining at least 10 percent of the vote.

The SPPF remains the dominant party, and the opposition SNP has claimed that its sympathizers are harassed by police and victimized by job-related security investigations in the public sector.

Concerns about the extent of government corruption have focused on the lack of transparency in privatization and the allocation of government-owned land. Credible allegations have been made that government officials have sold passports illegally. Seychelles was ranked 55 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

According to the BBC, the government controls much of the islands' media, operating radio and television stations. The government owns one daily newspa-

per, the *Nation*, and at least two other newspapers support, or are published by, the SPPF. The opposition weekly *Regar* has been sued repeatedly for libel by government officials under broad constitutional restrictions on free expression. The other major independent newspaper, *Le Nouveau Seychelles Weekly*, has also faced state interference in its functioning. The board of directors of the officially multipartisan Seychelles Broadcasting Corporation includes only one opposition representative, though it does have several non-SPPF members. High licensing fees have discouraged the development of privately owned broadcast media. The media environment improved in 2008, with no reports of government actions against the press. There are no restrictions on internet usage.

The right of religious freedom is mandated by the constitution and exists in practice. Churches in this predominantly Roman Catholic country have been strong voices for human rights and democratization, and they generally function without government interference.

The constitution endorses freedoms of assembly and association. Private human rights groups and other nongovernmental organizations operate in the country. Public demonstrations are generally tolerated, although on occasion the government has impeded opposition gatherings. The right to strike is protected by the 1993 Industrial Relations Act but is limited by several regulations. The SPPF-associated National Workers' Union no longer monopolizes union activity; two independent unions are now active.

Judges generally decide cases fairly but still face interference in cases involving major economic or political interests. The majority of the members of the Seychellois judiciary are foreign nationals, allegedly due to the lack of qualified Seychellois judges, and the impartiality of the non-Seychellois magistrates can be compromised by the fact that they are subject to contract renewal. The new chief justice, a Sri Lankan with long experience in the Seychelles judiciary, was appointed in August 2008 after the retirement of his predecessor. Security forces have at times been accused of using excessive force, including torture and arbitrary detention, especially in attempting to curb crime.

Islanders of Creole extraction face de facto discrimination. Nearly all of the country's political and economic life is dominated by people of European and South Asian origin. Discrimination against foreign workers has been reported. The government does not restrict domestic travel but may deny passports for unspecified reasons of "national interest."

The Seychelles in recent years has boasted one of the highest percentages of women in parliament in Africa at 24 percent, despite the lack of a quota system. Inheritance laws do not discriminate against women. In general, however, women are less likely than men to be literate, and they enjoy fewer educational opportunities. While nearly all adult females are classified as "economically active," most are engaged in subsistence agriculture. Domestic violence is a widespread problem. According to press reports, the Family Tribunal, the court of first instance for family-related disputes, reportedly found that cases of domestic violence rose substantially between 2006 and 2007, and the government's Gender Secretariat found that 28 percent of women in 2007 had suffered from abuse. Domestic violence is rarely prosecuted and only lightly punished.

## Sierra Leone

**Population:** 5,500,000

**Capital:** Freetown

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,5PF	4,5PF	4,5PF	4,4PF	4,3PF	4,3PF	4,3PF	4,3PF	3,3PF	3,3PF

### Overview:

President Ernest Koroma began to implement some of his campaign promises in 2008, most notably the restoration of electricity to Freetown and a number of provisions aimed at tackling endemic corruption and government inefficiency. Local elections were held in July, with victories divided, often along regional lines, between the ruling All People's Congress and the opposition Sierra Leone People's Party.

Founded by Britain in 1787 as a haven for liberated slaves, Sierra Leone became independent in 1961. After a military intervention in 1967, civilian rule was restored in 1968 under Siaka Stevens of the All People's Congress (APC) party. Stevens built up a personalized single-party government and handed power to his designated successor, Joseph Momoh, in 1985. In 1991, the Revolutionary United Front (RUF) launched a guerrilla campaign from neighboring Liberia to end Momoh's rule. However, he was instead ousted in 1992 by military officer Valentine Strasser. In 1996, Brigadier General Julius Maada-Bio quietly deposed Strasser, and elections were held despite military and rebel intimidation. Voters elected former UN diplomat Ahmad Tejan Kabbah of the Sierra Leone People's Party (SLPP) as president.

In 1997, Major Johnny Paul Koroma toppled the Kabbah government and invited the RUF to join his ruling junta. Nigerian-led West African troops restored Kabbah to power in 1998, but the country continued to be racked by war. A peace agreement in 1999 led to the beginning of disarmament, and the United Nations deployed several thousand peacekeeping troops to the country that year, but the process was halted in 2000 by a return to hostilities. When 500 peacekeepers were taken hostage, British troops flew in to help, and disarmament resumed in 2001. By 2002, the UN force numbered more than 17,000.

In the May 2002 presidential poll, Kabbah was reelected with 70 percent of the vote, compared with 22 percent for the APC's Ernest Koroma (no relation to Johnny Paul Koroma). The RUF candidate won just 2 percent of the vote. The SLPP dominated parliamentary elections the same month, winning 83 of 112 available seats.

By the end of 2005, only a small contingent of UN peacekeeping troops remained to guard the Special Court for Sierra Leone, tasked with holding war crimes trials, and the UN Integrated Office for Sierra Leone, set up to address issues of long-term stability.

In 2007, legislative and presidential polls were conducted with little violence. The National Electoral Commission (NEC) functioned with remarkable independence and helped to ensure the success of the balloting, despite postponements and other difficulties. In the presidential runoff vote, Ernest Koroma of the opposition APC defeated Solomon Berewa of the SLPP, 55 percent to 45 percent, leading to a peaceful transfer of power. There had been a number of violent incidents between supporters of the two leading candidates after the first round, but police were able to quell the disturbances with few serious injuries. The APC also performed well in the legislative elections, capturing 59 of the 112 contested seats; the SLPP took 43, and the People's Movement for Democratic Change (PMDC) won 10. The SLPP's electoral defeat was seen as a result of outgoing president Kabbah's failure to address the country's entrenched poverty, dilapidated infrastructure, and endemic corruption.

After taking office in September 2007, Koroma worked to fulfill a campaign promise of more effective governance. He secured an emergency contract from the World Bank in October 2007 to help fund the restoration of electricity to Freetown. A new thermal power plant, constructed and operated by the Belgian company Global Trading Group, went online in December 2007. He also stepped up efforts to fight corruption, in part by pushing through legislation designed to improve the independence of the Anti-Corruption Commission (ACC). However, Koroma was under pressure to reward his supporters with government jobs and public contracts, and on a number of occasions, he replaced capable SLPP officials with unqualified APC partisans.

In the July 2008 local elections, the 13 district councils at stake were split between the APC (7) and the SLPP (6), as were the 6 municipalities (3 for the APC and 2 for the SLPP). The division ran predominantly along regional lines, with the APC performing well in the north and west and the SLPP prevailing in the south.

Sierra Leone has vast diamond resources, but smuggling and war have turned it into one of the world's poorest countries. Like many of the other countries in the region, it suffered from the global economic volatility in 2008, particularly with respect to food shortages. The government secured a short-term supply of rice in a deal with India in May, and Vietnam and China are set to provide assistance and training to improve agricultural production in the future. Sierra Leone has an unemployment rate of roughly 65 percent, and former combatants make up a significant proportion of the jobless population, raising concerns about the potential for a return to violence. The problem is compounded by the fact that 42 percent of the country's population is under 15.

**Political Rights and Civil Liberties:** Sierra Leone is an electoral democracy. The 2007 presidential and parliamentary elections were judged to be free and fair by international observers, and for the first time since the civil war, power was transferred peacefully to the opposition. Of the unicameral Parliament's 124 members, 112 are chosen by popular vote and 12 are paramount chiefs chosen in separate elections. Parliamentary and presidential elections are held every five years.

The major political parties are the APC, the SLPP, and the PMDC, which was formed in 2006 by former SLPP member Charles Margai.

Corruption is a major problem in Sierra Leone. The ACC was first established at the end of the civil war but was only given a semblance of independence in 2000

when Parliament passed the first Anti-Corruption Act. It has investigated and prosecuted 58 cases since its inception, only 38 of which have resulted in convictions, with few involving high-ranking officials. After winning office on an anticorruption platform in 2007, President Ernest Koroma began requiring ministers to sign performance contracts and all public officials, including himself, to declare their assets within three months of taking office. He also presided over the passage of a new Anti-Corruption Act in September 2008 that eliminated the need for the justice minister and the attorney general to approve each corruption prosecution and widened the scope of ACC investigations from 9 offenses to 29. In late 2007, Koroma ordered an internal audit of the previous administration's financial affairs, and the results—released in July 2008—led to fresh prosecutions by the ACC. Sierra Leone was ranked 158 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of speech and the press are constitutionally guaranteed, but the government at times restricts these rights. Dozens of newspapers are printed in Freetown, though most are of poor quality and often carry sensational or unsubstantiated stories. In addition, all newspapers are published in English, while only 30 percent of the population is fluent in the language, and close to 70 percent is illiterate. On May 8, 2008, the Minister of Information and Communication ordered the SLPP's Unity Radio station to shut down; it was charged with erecting an illegal antenna and failing to properly register, despite the fact that the Independent Media Commission (IMC) is the only body with the authority to close a media outlet. Two weeks later, the IMC cleared Unity Radio of the charges, and Koroma personally presided over the reopening of the station ahead of local election in July.

Freedom of religion is protected by the constitution and respected in practice. Academic freedom is similarly upheld.

Freedoms of assembly and association are guaranteed by the constitution and generally observed in practice. Workers have the right to join independent trade unions, but serious violations of core labor standards occur regularly. Nongovernmental organizations (NGOs) and civic groups operate freely, though in 2008 the Parliament passed a law that requires NGOs to submit annual activity reports and renew their registrations every two years.

The judiciary has demonstrated a degree of independence, and a number of trials have been free and fair. However, corruption, poor salaries, and a lack of resources threaten to impede the courts' future effectiveness, and the new president has yet to carry out his pledge to improve prosecutorial independence by separating the offices of justice minister and attorney general. Arbitrary arrests are common, as are lengthy pretrial detentions under harsh conditions. The local human rights organization Prison Watch reported in February 2008, that nearly half of all inmates had not yet been sentenced.

The Special Court for Sierra Leone, an international war crimes tribunal that includes both local and UN-appointed judges, convicted three leaders of the 1997 junta in 2007 and rejected an appeal of their 25- to 50-year sentences in 2008. Two leaders of the progovernment Civil Defense Force received convictions in 2008, with equally lengthy prison terms. The trial of the former RUF leaders was set to finish in 2009.

Ethnic and regional loyalty is an important factor in the government, armed forces,



and business, and it has traditionally been a deciding factor in elections. Nonetheless, voters have recently shown a tendency to change allegiances based on party performance on issues like infrastructure restoration.

Despite constitutionally guaranteed equality, women face extensive legal and de facto discrimination, as well as limited access to education and formal employment. Women's status under customary law is equal to that of minors. Parliament in 2007 passed laws to prohibit domestic violence, grant women the right to inherit property, and outlaw forced marriage. Nonetheless, Sierra Leone's maternal mortality rate is the highest in the world, and a recent UN study found that there were just six obstetricians in the entire country. The child mortality rate is also the highest in the world.

## ↓ Singapore

**Population:** 4,800,000

**Capital:** Singapore

**Political Rights:** 5

**Civil Liberties:** 4

**Status:** Partly Free



**Trend Arrow:** Singapore received a downward trend arrow due to the politically motivated handling of defamation cases, which cast doubt on judicial independence.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	5,5PF	5,5PF	5,4PF	5,4PF	5,4PF	5,4PF	5,4PF	5,4PF	5,4PF

### Overview:

As part of a broader legal crackdown on government critics in 2008, opposition politician Chee Soon Juan was ordered to pay roughly US\$400,000 in defamation damages to Prime Minister Lee Hsien Loong and his father, former prime minister Lee Kuan Yew. Another vocal critic of the government, Gopalan Nair, received a three-month jail sentence for insulting two judges on his blog.

Singapore was established as a British trading center in 1819 and became a separate British colony. It obtained home rule in 1959, entered the Malaysian Federation in 1963, and gained full independence in 1965. Prime Minister Lee Kuan Yew and the ruling People's Action Party (PAP) transformed the port city into a regional financial center and exporter of high-technology goods but restricted individual freedoms and stunted political development in the process.

Lee transferred the premiership to Goh Chok Tong in 1990 but stayed on as "senior minister," and the PAP retained its dominance. The party captured 82 of Parliament's 84 seats in the 2001 elections, with opposition parties contesting only

29 seats. Lee's son, Lee Hsien Loong, became prime minister in August 2004; the elder Lee assumed the title of "minister mentor." In September 2005, President Sellapan Ramanathan began a second term as the largely ceremonial head of state.

Despite his expressed desire for a "more open society," Lee Hsien Loong did little to change the authoritarian political climate. He called elections in May 2006, a year early, to secure a mandate for his economic reform agenda. With a nine-day campaign period and defamation lawsuits hampering opposition candidates, the polls resembled past elections in serving more as a referendum on the prime minister's popularity than as an actual contest for power. The PAP retained its 82 seats with 66 percent of the vote, although the opposition contested a greater number of seats and secured a larger percentage of the vote than in previous years; the opposition Workers' Party and Singapore Democratic Alliance (SDA) each won a single seat despite receiving 16.3 percent and 13 percent of the vote, respectively.

In 2007 and 2008, Lee continued to pursue his economic agenda while using the legal system and other tools to keep the opposition in check. The government also maintained that racial sensitivities and the threat of Islamist terrorism justified draconian restrictions on freedoms of speech and assembly. Such rules were repeatedly used to silence criticism of the authorities.

In September 2007, Singapore Democratic Party (SDP) leader Chee Soon Juan was convicted for trying to travel to a 2006 World Movement for Democracy conference without a permit. He stood trial again in October 2008, marking his eighth trial since 1992, this time for defamation and allegedly participating in an illegal gathering. Chee, a lawyer by training, represented himself due to the absence of lawyers willing to take his case. The High Court subsequently ordered Chee, his sister, and his political party to pay S\$610,000 (US\$420,000) in defamation damages to the prime minister and his father. The ruling appeared likely to force the SDP into bankruptcy. Chee had already been forced into bankruptcy in 2006 by a US\$300,000 ruling against him for defaming former prime ministers Goh and Lee.

Separately, longtime opposition politician J. B. Jeyaretnam died in September. He had been disqualified from Parliament in 2001 after being ordered to pay libel damages for criticizing PAP officials and had refused to pay until June 2007. He had subsequently initiated plans to form a new Democratic Reform Party.

**Political Rights and Civil Liberties:** Singapore is not an electoral democracy. The country is governed through a parliamentary system, and elections are free from irregularities and vote rigging, but the ruling PAP dominates the political process. The prime minister retains control over the Elections Department, and the country lacks a structurally independent election authority. Opposition campaigns are hamstrung by a ban on political films and television programs, the threat of libel suits, strict regulations on political associations, and the PAP's influence on the media and the courts.

The largely ceremonial president is elected by popular vote for six-year terms, and a special committee is empowered to vet candidates. The prime minister and cabinet are appointed by the president. Singapore has had only three prime ministers since it gained independence in 1965. Of the unicameral legislature's 84 members, 9 are elected from single-member constituencies, while 75 are elected in Group Representation Constituencies (GRCs), a mechanism intended to foster minority rep-

resentation. The winner-take-all nature of the system, however, limits the extent to which GRCs actually facilitate minority representation and, in effect, helps perpetuate the return of incumbents. Up to nine additional, nonpartisan members can be appointed by the president, and up to three members can be appointed to ensure a minimum of opposition representation.

Singapore has traditionally been lauded for its relative lack of corruption. There is no special legislation facilitating access to information, however, and management of state funds came under question for the first time in 2007. Critics lamented the state's secret investment of national reserves, and investigations into the state investment arm, Temasek Holdings, were launched by Indonesian and Thai watchdog agencies. Singapore was ranked 4 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Singapore's media market remains tightly constrained. All newspapers, radio stations, and television channels are owned by government-linked companies. Although editorials and news coverage generally support state policies, newspapers occasionally publish critical pieces. Self-censorship is common among journalists as a result of PAP pressure. The Sedition Act, in effect since the colonial period, outlaws seditious speech, the distribution of seditious materials, and acts with "seditious tendency." Media including videos, music, and books are sometimes censored, typically for sex, violence, or drug references.

Foreign broadcasters and periodicals can be restricted for engaging in domestic politics, and new regulations in 2006 required all foreign publications to appoint legal representatives and provide significant financial deposits. Still facing civil defamation claims for the July 2006 article that presumably prompted the new regulations, the *Far Eastern Economic Review* lost an appeal in February 2007. In June of that year, the Singapore High Court rejected the magazine's application for a Queen's Counsel from Britain to represent it. Distribution of the *Review* remained banned, but it was available online. The PAP regularly uses defamation suits and the revoking of licenses to silence critical (especially foreign) media. In October 2007, the *Financial Times* published an apology and agreed to pay damages to the Lee family for a September article suggesting that the family had engaged in nepotism.

The government continued its efforts to impose licensing restrictions on the internet, including the blogosphere, in 2008. Blogger Gopalan Nair was charged in June for posting insults aimed at a High Court judge on his blog and another judge in an e-mail. Nair was subsequently sentenced to three months in jail under the Miscellaneous Offences, Public Order, and Nuisance Act.

The constitution guarantees freedom of religion as long as its practice does not violate any other regulations, and most groups worship freely. However, religious actions perceived as threats to racial or religious harmony are not tolerated, and unconventional groups like the Jehovah's Witnesses and the Unification Church are banned. All religious groups are required to register with the government under the 1966 Societies Act.

All public universities and political research institutions have direct government links that bear at least some influence. Academics engage in political debate, but their publications rarely deviate from the government line on matters related to Singapore.

The Societies Act restricts freedom of association by requiring most organiza-

tions of more than 10 people to register with the government, and only registered parties and associations may engage in organized political activity. Public assemblies of more than five people and all political speeches must be approved by police. Permits are no longer needed for private, indoor gatherings as long as the topic of discussion is not race or religion. In March 2008, a group of 17 people protested recent price hikes near the Parliament House; 2 of them were subsequently fined for participating in an illegal procession.

Unions are granted fairly broad rights under the Trade Unions Act, though restrictions include a ban on government employees joining unions. A 2004 amendment to the law prohibits union members from voting on collective agreements negotiated by union representatives and employers. Strikes are legal for all except utility workers, but they must be approved by a majority of a union's members as opposed to the internationally accepted standard of at least 50 percent of the members who vote. In practice, many restrictions are not applied. All but 5 of the country's 64 unions are affiliated with the National Trade Union Congress, which is openly allied with the PAP. Singapore's 160,000 domestic workers are excluded from the Employment Act and regularly exploited. A 2006 standard contract for migrant domestic workers addresses food deprivation and entitles replaced workers to seek other employment in Singapore, but it fails to provide other basic protections, such as rest days.

The government's overwhelming success in court cases raises questions about judicial independence, particularly because lawsuits against opposition politicians and parties often drive them into bankruptcy. Many judges have ties to PAP leaders, but it is unclear whether the government pressures judges or simply appoints those who share its conservative philosophy. The judiciary is efficient, and defendants in criminal cases enjoy most due process rights.

The government generally respects citizens' right to privacy, but the Internal Security Act (ISA) and the Criminal Law Act (CLA) permit the authorities to conduct warrantless searches and arrests to preserve national security, order, and the public interest. The ISA, previously aimed at Communist threats, is now used against suspected Islamist terrorists. Suspects can be detained without charge or trial for an unlimited number of two-year periods. A 1989 constitutional amendment prohibits judicial review of the substantive grounds for detention under the ISA and of the constitutionality of the law itself. The CLA is mainly used to detain organized crime suspects; it allows preventive detention for an extendable one-year period. The Misuse of Drugs Act empowers authorities to commit suspected drug users, without trial, to rehabilitation centers for up to three years.

Security forces are not known to commit serious abuses. The government has in recent years jailed police officers convicted of mistreating detainees. The penal code mandates caning, in addition to imprisonment, for about 30 offenses; it is discretionary for certain other crimes involving the use of force. Caning is reportedly common in practice.

There is no legal discrimination, and the government actively promotes racial harmony and equity. Despite government efforts, ethnic Malays have not on average, reached the schooling and income levels of ethnic Chinese or ethnic Indians, and they reportedly face discrimination in private-sector employment.

Citizens enjoy freedom of movement, although the government occasionally en-

forces its policy of ethnic balance in public housing, in which most Singaporeans live, and opposition politicians have been denied the right to travel.

Women enjoy the same legal rights as men in most areas, and many are well-educated professionals, though relatively few women hold top positions in government and the private sector. There are currently 19 female members of Parliament, including 17 of the 84 elected members (all from the PAP) and 2 of the appointed members. In 2007, the government decided to uphold a ban on sex between men, and Parliament voted to maintain provisions of the Penal Code that make acts of "gross indecency" between men punishable by up to two years in prison.

## Slovakia

**Population:** 5,400,000

**Capital:** Bratislava

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

In January 2008, Prime Minister Robert Fico survived a no-confidence motion brought by the opposition, which accused him of involvement in a corruption scandal. A potentially restrictive new press law was passed in April, drawing objections from press freedom advocates and major newspapers. Tensions between Hungary and Slovakia continued as the two governments argued over which language should be used in textbooks for Hungarian minorities in Slovakia, and officials from each country accused the other of politicizing a violent incident at a football game in Slovakia.

Anti-Communist opposition forces brought about the collapse of the Czechoslovak government in 1989, and the country held its first free elections the following year. After elections in June 1992, negotiations began on increased Slovak autonomy within the Czech and Slovak Federative Republic. These discussions led to a peaceful dissolution of the federation and the establishment of an independent Slovak Republic in January 1993.

From 1993 to 1998, Vladimir Meciar—who served twice as prime minister during this period—and his Movement for a Democratic Slovakia (HZDS) dominated politics, opposed direct presidential elections, flouted the rule of law, and intimidated independent media. Meciar's policies resulted in Slovakia's failure to meet the criteria necessary to open European Union (EU) accession talks and join NATO.

In the 1998 parliamentary elections, voters rejected Meciar's rule and empowered a broad right-left coalition. The new parliament selected Mikulas Dzurinda as prime minister and worked to enhance judicial independence, combat corruption, undertake economic reforms, and actively seek membership in the EU and NATO.

Of the 25 parties that competed in the 2002 parliamentary elections, only 7 exceeded the 5 percent representation threshold. Meciar's HZDS led with 19.5 percent of the vote, but Dzurinda's Slovak Democratic and Christian Union (SDKU) formed a center-right government with the Party of the Hungarian Coalition (SMK), the Christian Democratic Movement (KDH), and the Alliance of the New Citizen (ANO).

In April 2003, the legislature ratified Slovakia's accession to NATO. In a binding national referendum that was held the following month, Slovaks voted overwhelmingly in favor of joining the EU, with 92 percent supporting membership. Slovakia duly joined NATO and the EU in April and May 2004, respectively.

Meciar led the first round of the April 2004 presidential election, but he lost a runoff against a former ally, Ivan Gasparovic. The government's economic reforms caused it to lose popular support during 2005, and in February 2006, the KDH left the coalition, prompting the government to schedule early elections for June. The leftist, populist Smer (Direction-Social Democracy) party took the largest share of the votes, winning 50 of 150 seats. Dzurinda's party came second, but several of his potential coalition partners failed to reach the 5 percent threshold. Smer's leader, Robert Fico, formed a coalition with the far-right Slovak National Party (SNS) and Meciar's party, now called the People's Party-Movement for a Democratic Slovakia (LS-HZDS). The unusual new coalition raised concerns abroad, and the Party of European Socialists (PES), the EU-level grouping of center-left parties, suspended Smer in October for its alliance with the SNS.

When a corruption scandal involving the Slovak Land Fund emerged in November 2007, Fico ordered the dismissal of the deputy director of the fund, Branislav Briza, and the LS-HZDS-appointed agriculture minister, Miroslav Jurena. The ensuing conflict between Fico and Meciar almost broke up the coalition later that month. However, the government ultimately remained intact. Meanwhile, the tense relationship between Hungary and Slovakia was strained further after the Slovak parliament approved a resolution in September 2007 that reaffirmed Czechoslovakia's World War II-era Benes Decrees, which effectively stripped ethnic Germans and Hungarians of their citizenship and led to their deportation to Germany, Austria, and Hungary after the war.

In January 2008, three opposition parties brought an unsuccessful no-confidence motion against Fico, accusing him of complicity in the Slovak Land Fund corruption case. Although the parliament passed an education bill in December regulating the use of Hungarian place names, it was vetoed by Gasparovic later that month. After violence broke out at a football game in November, Slovakian police escorted approximately 1,000 ethnic Hungarian fans from the stadium. Hungarian officials accused Slovakian police of using excessive force; despite cross-border talks, no resolution was reached by year's end.

Slovakia has a market economy in which the private sector accounts for approximately 80 percent of gross domestic product. Official unemployment remains high—approximately 10.3 percent in mid-2008. The government contends that many of those who collect unemployment benefits may simultaneously be working on the black market.

### Political Rights and Civil Liberties:

Slovakia is an electoral democracy. Voters elect the president for five-year terms and members of the 150-seat, unicameral National Council (parliament) for four-year terms. A 2001 law granted voting privileges to noncitizens, allowing permanent residents to vote in elections for municipal and regional governments. The prime minister is appointed by the president but must have majority support in the parliament in order to govern. Parliamentary elections in 2006 were considered free and fair.

Slovakia's political party system is fragmented. The current governing parties are Direction-Social Democracy (known as Smer), the LS-HZDS, and the SNS. The SDKU, the SMK, and the KDH form the opposition. All other parties failed to reach the 5 percent electoral threshold required for representation in parliament.

Corruption remains a problem in Slovakia, especially in health care, education, law enforcement, and the judiciary, according to the European Commission, the EU's executive arm. A special court to deal with high-profile cases was established in 2004. Prime Minister Robert Fico was accused in 2007 of links to the Slovak Land Fund corruption scandal, in which state-owned lands were bought by the LS-HZDS at low prices. The defense minister, Frantisek Kasicky, resigned in January 2008 due to allegations of corruption following media stories about overly generous tenders for barrack maintenance; though he admitted that some of his employees were involved in the affair, he denied any personal involvement. Slovakia was ranked 52 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of speech and expression are guaranteed by the constitution; any restriction must be designed "to protect the rights and liberties of others, state security, public order, or public health and morality." Slovakia's media are largely free but remain vulnerable to political interference. Media watchdogs have cautioned the government over increasing verbal attacks on journalists by politicians. In April 2008, the parliament passed a new press law granting increased censorship powers to the executive branch, prompting six leading newspapers to print blank front pages in protest. The new law allows the Culture Ministry to determine the appropriateness of reporting, including a ban on printing material that "promotes, belittles, excuses or approves" war or other actions that promote hate against minorities, and authorizes the executive branch to levy fines and decide whether an article or broadcast has broken a law. It also states that replies to newspaper articles must be published within three days in the same place and in the same size as the "offending" article. There were no known cases in which the new law was enforced in 2008, but journalists and media experts expressed concerns that it would lead to self-censorship. The government does not limit access to the internet.

The government respects religious freedom. Registered churches and religious organizations are eligible for tax exemptions and government subsidies. The Roman Catholic Church is the largest denomination in the country and consequently receives the largest share of subsidies. The U.S. State Department has noted the persistence of anti-Semitism among some parts of the population. In April 2007, the 200-member Baha'i community registered as an official religious community shortly before the laws changed to make registration more difficult, while the Slovak Muslim community decided against registering. Academic freedom is respected in Slovakia. The authorities uphold the rights to assemble peacefully, petition state bodies, and

associate in clubs, political parties, and trade unions. However, civil society is not as active as in other countries in Central Europe. Judges, prosecutors, firefighters, and members of the armed forces may not strike.

The constitution provides for an independent judiciary and a Constitutional Court. An independent Judicial Council oversees the assignment and transfer of judges. The European Commission has noted the perception of a high level of corruption in the Slovak courts and expressed concern over the judiciary's perceived lack of impartiality. Corruption and a significant backlog of cases have raised questions about the judicial system's capacity to function at EU levels.

There are more than 10 recognized ethnic minorities in Slovakia. While minorities have a constitutional right to contribute to the resolution of issues that concern them, Roma continue to experience widespread discrimination and inequality in education, housing, employment, public services, and the criminal justice system. In 2003, there were reports of coerced or forced sterilization of Romany women the year before, on the orders of local health officials. Roma also face the persistent threat of racially motivated violence. Even though the law criminalizes such acts, reports indicate that law enforcement officials do not always investigate crimes against Roma. In response to these problems, the government began a program to improve education and housing for Roma in 2002.

In December 2003, Slovakia reached an agreement with Hungary on the application of Hungary's Status Law, which grants special health and educational benefits to ethnic Hungarians residing outside of Hungary. A foundation in Slovakia administers the support for Hungarians living there. Hungarians are represented by the SMK in the Slovak parliament, currently in opposition.

Although women enjoy the same legal rights as men, they continue to be underrepresented in senior-level business positions and in the government. Domestic violence is punishable by imprisonment but remains widespread. Human trafficking from and through Slovakia, mainly for the purpose of sexual exploitation, remains a problem.



## Slovenia

Population: 2,000,000  
Capital: Ljubljana

Political Rights: 1  
Civil Liberties: 1  
Status: Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

The center-left Social Democrats (SD) led Slovenia's September 2008 parliamentary elections and formed a new coalition government with three smaller parties. SD leader Borut Pahor replaced Janez Jansa of the center-right Slovenian Democratic Party as prime minister. On the international front, Slovenia's stint in the presidency of the European Union during the first half of 2008 was generally considered to be a success.

The territory of modern Slovenia, long ruled by the Austro-Hungarian Empire, passed to the new Kingdom of Serbs, Croats, and Slovenes (renamed the Kingdom of Yugoslavia in 1929) after World War I, and it became a constituent republic of the Socialist Federal Republic of Yugoslavia following World War II. After decades of relative prosperity, various elements in Slovene civil society began to part ways with the communist system. In 1990, the Democratic United Opposition (DEMOS) defeated the ruling League of Communists in democratic elections, although former Communist leader Milan Kucan was elected president. The country declared independence in June 1991 and secured its status after a 10-day conflict with Yugoslav troops, escaping the war and destruction suffered by much of the rest of Yugoslavia as it disintegrated.

After 1990, Slovenia was generally ruled by center-left governments, the most important element of which was Janez Drnovsek's Liberal Democratic Party (LDS). Drnovsek served as prime minister almost continuously from 1992 to 2002, when he was elected president. In the 2004 parliamentary elections, Janez Jansa's center-right Slovenian Democratic Party (SDS) finally unseated the LDS-led government, and Jansa became prime minister.

Law professor and former diplomat Danilo Turk, running as an independent, received the backing of the Social Democrats (SD) and several other parties in the 2007 presidential election. He won the November runoff with 68 percent of the vote, defeating the government's candidate, Alojz Peterle.

In the September 2008 parliamentary elections, the SD captured 29 seats and some 30 percent of the vote, followed by the SDS with 28 seats. SD leader Borut Pahor, who became prime minister, formed a coalition government with three small parties: the center-left Zares (9 seats), the Democratic Party of Pensioners of Slovenia

(7 seats), and the once-powerful LDS (5 seats). The remaining seats in the 90-member lower house went to the far-right Slovene National Party (5 seats), an alliance of the Slovene People's Party and the Slovene Youth Party (5 seats), and the Hungarian and Italian ethnic minorities (1 seat each).

Slovenia held the rotating presidency of the European Union (EU) from January through June 2008, becoming the first to take up that responsibility among the former communist states that joined the bloc in 2004. In 2006, Slovenia had also been the first of that group to adopt the euro currency.

### Political Rights and Civil Liberties:

Slovenia is an electoral democracy. The country has a bicameral Parliament: members of the 90-seat National Assembly, which chooses the prime minister, are elected to four-year terms, and the 40-seat National Council, a largely advisory body, represents professional groups and local interests. The president is directly elected for up to two five-year terms. Elections since independence have been considered free and fair. Slovenia's main political parties are the center-left SD, led by current prime minister Borut Pahor, and the center-right SDS of former prime minister Janez Jansa. Such large parties typically govern in coalition with smaller parties.

One seat each is reserved in the National Assembly for Slovenia's Hungarian and Italian minorities, and Roma are automatically given seats on 20 municipal councils. Citizens with origins in other former Yugoslav republics have encountered discrimination in Slovenia, but an ethnic Serb, Zoran Jankovic, was elected mayor of Ljubljana in the 2006 municipal elections.

Corruption, while less extensive than in some other Central and Eastern European countries, remains a problem in Slovenia, usually taking the form of conflicts of interest and contracting links between government officials and private businesses. Slovenia was ranked 26 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. However, the head of the country's Corruption Prevention Commission, Drago Kos, announced that he was "surprised" by the good ranking, and said that the public perception of corruption in Slovenia was higher than the score suggested.

Freedoms of speech and of the press are guaranteed by the constitution. However, insulting public officials is prohibited by law, and critics have complained that the Jansa government interfered with the media. The 2005 broadcasting law stipulated that 21 out of 29 members of the state-owned television and radio network's program council had to be approved by Parliament. Opponents characterized the measure as an attempt by the Jansa government to obtain more control over the network, which it claimed was biased against the center-right. There are also reports of self-censorship and increasing government pressure on both media outlets and advertisers. Newspapers that are critical of the government, such as *Dnevnik* and *Mladina*, have faced difficulty securing advertisers. In January 2008, Matija Grah, a foreign correspondent for the prestigious daily newspaper *Delo*, alleged that he had been dismissed after Slovenia's foreign minister called his editor to complain about a critical article. Substantiating Grah's claims, 517 Slovenian journalists signed a complaint asking for an international commission to study media censorship in Slovenia. The Jansa government denied these charges. There were no reports of government attempts to restrict internet access during the year.

The constitution guarantees freedom of religion. Most Slovenians (approximately 58 percent) are Roman Catholics, although the number of practicing Catholics has dropped in recent years. The Religious Freedoms Law, which entered into force in March 2007, is currently being challenged in the Constitutional Court by the National Council, which objects to some aspects of Article 20 of the law, which regulates the legal status of religious communities. However, the Constitutional Court has ruled that the law is in effect until it makes its final decision on the issue.

Societal discrimination against the small Muslim community remains a problem. A decades-long effort to build a mosque in Ljubljana appeared to make some progress in 2008, as a variety of legal hurdles were surmounted and construction was reportedly scheduled to begin in 2009. There were no reports of government restrictions on academic freedom during the year.

The government respects the right of individuals to assemble peacefully and form associations. Numerous nongovernmental organizations operate freely, and the government on the whole supports the role they play in the policymaking process. Workers enjoy the right to establish and join trade unions, to strike, and to bargain collectively. The Association of Free Trade Unions of Slovenia (ZSSS) has some 300,000 members and controls the four trade union seats in the National Council. In November 2007, labor unions launched the largest demonstrations in the country's postindependence history to protest what they called an unfair economic development strategy that favors employers over workers. The main concerns of labor organizations are reform of the pension system, an increase in the minimum wage, and a halt to privatizations in health care.

According to the EU, the Slovenian judiciary enjoys a high degree of independence. The constitution guarantees citizens due process, equality before the law, and a presumption of innocence. However, the system faces a growing backlog of cases, with some criminal cases taking two to five years to complete. There are an excessive number of inexperienced judges and political infighting over the appointment of judges. Prison conditions are in line with international standards, although overcrowding has been reported.

Incitement to racial hatred is a criminal offense. However, Slovenia has had persistent problems in dealing with various minorities—Italians, Muslim residents and guest workers, and citizens of the former Yugoslavia. Police harassment of Roma and residents from other former Yugoslav republics, the so-called new minorities, remains a problem. Some 18,000 non-Slovene citizens of the former federation who remained in Slovenia after independence had been removed from official records after they failed to apply for citizenship or permanent resident status during a brief window of opportunity in 1992; their status remains largely unresolved to date, despite considerable international criticism and a Constitutional Court ruling in their favor. These "erased" residents have been systematically denied driver's licenses, access to state health care, and pensions. Some 95 percent of referendum voters in 2004 rejected a government-backed bill to grant residency rights to the erased, although only 31 percent of the electorate turned out. In December 2008, a Slovenian official suggested that the government may soon give the erased legal documents and provide other forms of compensation.

Freedom to travel and choose one's place of residence, and the right to own private property, are generally respected in practice.

Women hold the same legal rights as men but remain underrepresented in political life. Currently, there are 10 women serving in the 90-seat National Assembly and one woman in the 40-seat National Council. After his election as prime minister in 2008, Borut Pahor named 5 women to his 18-member cabinet—the highest number in any postindependence Slovenian government. In 2005, Parliament adopted a measure requiring that 40 percent of the electoral lists for the European parliamentary elections be reserved for women. Some 60 percent of Slovenia's women are in the workforce, the largest proportion of any of the 10 countries that joined the EU in 2004. On average, Slovenian women receive 90 percent of the pay of their male counterparts, which compares favorably with rates in Western European countries.

Domestic violence remains a concern. There are no laws prohibiting sexual harassment in the workplace. Slovenia is primarily a transit country, and secondarily a country of destination, for women and girls trafficked from Eastern Europe for the purpose of prostitution.

## Solomon Islands

**Population:** 500,000

**Capital:** Honiara

**Political Rights:** 4

**Civil Liberties:** 3

**Status:** Partly Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	4,4PF	4,4PF	3,3PF	3,3PF	3,3PF	3,3PF	4,3PF	4,3PF	4,3PF

### Overview:

**Prime Minister Derek Sikua, who assumed office in late 2007, took steps in 2008 to remedy some of the worst excesses of the Solomon Islands' previous government, led by the controversial Manasseh Sogavare. Several members of Parliament were charged with misappropriation of government funds, and Sikua appointed a new ombudsman in July to investigate alleged government abuses.**

The Solomon Islands gained independence from Britain in 1978. Tensions between the two largest ethnic groups—the Guadalcanalese of the main island of Guadalcanal and the Malaitans of the province of Malaita—over jobs and land rights erupted into open warfare in 1998. Scores were injured or killed before peace was restored with the Townsville Peace Agreement of 2000, brokered by Australia and New Zealand. Order was maintained initially by a UN mission and after 2003 by the Australian-led Regional Assistance Mission to the Solomon Islands (RAMSI).

No single party secured a majority in the April 2006 parliamentary elections, with independents winning 30 of the 50 seats. The new chamber chose Snyder Rini to

replace Prime Minister Allan Kemakeza. Allegations that Rini had used money from Chinese business allies to bribe lawmakers into supporting him sparked two days of riots in the capital. Australia and New Zealand sent in hundreds of troops to restore order, and Rini resigned after just eight days as prime minister. In May, Parliament elected Manasseh Sogavare in his place; Sogavare had previously held the post between 2000 and 2001. In his first months in office, the prime minister showed little commitment to improving government accountability, security, or economic development, inciting domestic and international criticism. Given the ongoing insecurity in the country, Sogavare in August asked RAMSI to stay on for another year.

The most glaring source of friction between Sogavare and his foreign and domestic critics was the September 2006 appointment of his close friend Julian Moti, a Fijian-born Australian citizen, as attorney general. Moti was wanted in Australia for alleged sex crimes against a minor in Vanuatu, but Sogavare refused to extradite him. Moti fled to Papua New Guinea (PNG) and was arrested there, but he jumped bail and reentered the Solomon Islands without a passport on a PNG military flight in October 2006. The police arrested him for improper reentry, but a local court cleared him of these charges. RAMSI then raided Sogavare's office for evidence of involvement in Moti's unlawful return. In retaliation, Sogavare declared the Australian-born police chief an "undesirable" immigrant, forcing him and his family to leave the country, and also expelled the Australian high commissioner after he spoke out against the police chiefs termination. In addition, the government subsequently threatened to repeal the law allowing RAMSI to operate in the country.

In 2007, Sogavare blocked a PNG inquiry team from visiting to investigate Moti's 2006 military flight and threatened to file criminal defamation charges against anyone who criticized the attorney general. Moti assumed his post in July 2007, pledging to pursue all those involved in delaying his appointment. The opposition, labor unions, and civil society groups continued to call for Moti's resignation and extradition to Australia. The opposition tried to remove Sogavare from office with another no-confidence vote in August, but failed again.

Separately, Sogavare had drawn additional criticism by creating a Peace and Integrity Council (PIC) to replace the National Peace Council (NPC) in January 2007. The Australian-funded NPC had a mandate to foster peace and reconciliation, encourage the surrender of weapons, and facilitate consultation between the national and provincial governments and with civil society groups. Critics charged that the PIC, which would be directed by the cabinet, would not have the independence of the NPC. Strong public outcry against this change forced the government to retain the NPC. Nine ministers withdrew from the government in November 2007, and the opposition forced a no-confidence vote in December, removing Sogavare from office. Lawmakers then chose Derek Sikua, the education and human resources development minister in Sogavare's cabinet, as prime minister, and by year's end, the new government had extradited Moti to Australia.

Since assuming office, Sikua has pledged to attack official corruption and abuses, a major source of public resentment and international criticism. In January 2008, Sikua pledged that the number of cabinet seats would be reduced from 21 to 11, and that salaries for political appointees would be reduced from \$72,000 to \$37,000 annually. In February 2008, Jahir Khan, the country's police commissioner, was dismissed from his post; Khan's appointment by former prime minister Sogavare had been

controversial for not having gone through the prescribed process for senior officials. Also in February, Peter Shanel, the former immigration chief in the Sogavare cabinet, was charged with aiding Moti's unlawful reentry to the Solomon Islands.

**Political Rights  
and Civil Liberties:**

The Solomon Islands are not an electoral democracy. Recent elections have been marred by fraud allegations. A governor-general, appointed on the advice of Parliament for a five-year term, represents the British monarch as head of state. Members of the 50-seat, unicameral National Parliament are elected for four-year terms. A parliamentary majority elects the prime minister, and the cabinet is appointed by the governor-general on the advice of the prime minister.

There are several political parties, but independents heavily outnumber their representatives in Parliament, and political activity is driven more by personalities and clan identities than party affiliation. To promote political stability, Parliament in 2006 passed a law to prevent legislators from easily switching parties.

Rampant corruption at all levels of government is a major source of public discontent and a hindrance to economic development. With the formation of the new cabinet of Derek Sikua, the government requested former cabinet ministers and senior officials in the Sogavare administration to return their government-owned vehicles; while 12 initially refused, 3 continued to do so throughout the year. In July 2008, a member of Parliament was sentenced to 18 months in prison for misappropriation of government funds. In October, two officials were suspended over the alleged misuse of more than \$200,000 in aid funds, and more than \$287,000 in relief funds for earthquake and tsunami victims in 2007 were unaccounted for. Sikua appointed a new ombudsman in July to investigate alleged government abuses. The country was ranked 109 out of 180 countries in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of expression and the press are generally respected, but legal and extralegal means are sometime used by politicians and elites to intimidate journalists. Prime Minister Sikua threatened to sue a local newspaper for an article alleging that he had been drunk and misbehaved while attending meetings at the United Nations in October 2008. The print media include a daily, a weekly, and two monthly publications. The government operates the only radio station. There is no local television station, but foreign broadcasts can be received via satellite. In November 2008, the government announced a review of the telecom monopoly. Internet penetration is low, mainly due to technical and cost barriers; authorities do not restrict or monitor usage.

Freedom of religion is generally respected. Academic freedom is observed, but the lack of public funds severely undermines the quality of education.

The constitution guarantees freedom of assembly, and the government generally recognizes this right. Organizers of demonstrations must obtain permits, which are typically granted. Civil society groups operate without interference. Workers are free to organize, and strikes are permitted. Wage earners make up 10 to 15 percent of the workforce; the rest engage in subsistence farming and fishing.

Threats against judges and prosecutors have weakened the independence and rigor of the judicial system. Judges and prosecutors have also been implicated in corruption and abuse scandals. A lack of resources limits the government's ability

to provide legal counsel and timely trials. Traditional chiefs have sought more funds for traditional courts in rural areas to ease the strain on the formal court system. The constitution provides for an ombudsman tasked with investigating complaints of official abuse or unfair treatment. The ombudsman's office has potentially far-reaching powers, including the use of subpoenas, but generally lacks funds to do its work.

There is no military. Domestic security and law enforcement are provided by a civilian-controlled police force of about 1,000 people, but poor training, the widespread abuse of power, and factional and ethnic rivalries have undermined public trust in the service. Prison conditions meet minimum international standards.

Growing anti-Chinese sentiment was a central factor in the April 2006 riots, which destroyed nearly 80 percent of Chinese-owned businesses in the capital. Chinese businessmen's increasing dominance of the domestic economy, in a broader atmosphere of rampant corruption, stokes public suspicions that they use their wealth to influence politicians. In February 2008, Sikua formally apologized to the Chinese community for damages caused during the riots.

Discrimination limits the economic and political roles of women. No law prohibits domestic violence, but rape is illegal. Lack of funds for public education and health programs in the face of traditional attitudes hinders efforts to stop the spread of HIV/AIDS. An estimated 16 percent of the population now carries the virus in the fastest growing population in the Pacific. The Church of Melanesia cites expansion of the logging industry as contributing to the rise in prostitution, abuse, and exploitation of children.

## Somalia

**Population:** 9,000,000

**Capital:** Mogadishu

**Political Rights:** 7

**Civil Liberties:** 7

**Status:** Not Free



*Note:* The numerical ratings and status listed above do not reflect conditions in Somaliland, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	6,7NF	6,7NF	6,7NF	6,7NF	6,7NF	6,7NF	7,7NF	7,7NF	7,7NF

### Overview:

The Ethiopian-backed Transitional Federal Government (TFG) continued to battle insurgent groups in 2008, and increased attacks on aid workers curtailed their activities in the country. In August, the TFG reached an agreement with a coalition of opposition groups, the Alliance for the Reliberation of Somalia (ARS), that called for a

**ceasefire, the eventual withdrawal of Ethiopian forces, and power sharing. The TFG and ARS agreed in November to double the size of the transitional parliament, and the unpopular TFG president resigned in late December. Nevertheless, hard-line rebel factions boycotted the August agreement and continued fighting for the rest of the year.**

Somalia gained independence in 1960 as an amalgam of former British and Italian colonies populated largely by ethnic Somalis. A coup in 1969 by army general Siad Barre led to two decades of instability, brutal civil strife, and the manipulation of clan loyalties for political purposes. Somalia was also plagued by natural disasters, including floods, drought, and famine. After Barre's regime was toppled in 1991, the country descended into warfare between clan-based militias, and an effective national government was never restored.

Extensive television coverage of famine and civil strife that killed approximately 300,000 people in 1991 and 1992 prompted a UN humanitarian mission led by U.S. forces. The intervention soon deteriorated into urban guerrilla warfare with Somali militias, and over 100 UN peacekeepers, including 18 U.S. soldiers, were killed. The \$4 billion operation was eventually terminated, and international forces had departed by March 1995. Civil conflict continued over the subsequent decade with varying degrees of intensity.

In a peace conference in neighboring Djibouti in 2000, many of Somalia's faction leaders agreed to participate in a three-year transitional government with a 245-seat Transitional National Assembly. In August, the assembly elected Abdiqassim Salad Hassan as transitional president. The government and more than 20 rival factions signed a ceasefire in Kenya in 2002, but serious fissures developed over the next year, as some groups launched separate power-sharing negotiations in Mogadishu.

The political process was revitalized in 2004 at another conference in Kenya, which resulted in the establishment of a 275-seat Transitional Federal Assembly (TFA) and a new Transitional Federal Government (TFG). The country's four largest clans were each given 61 TFA seats, and an alliance of minor clans took the remaining 31. In October 2004, TFA members elected the controversial Ethiopian-backed warlord Abdullahi Yusuf Ahmed to serve a five-year term as president. Yusuf had previously been the leader of the breakaway region of Puntland. A month later, he appointed Ali Muhammad Gedi as his prime minister.

By early 2005, strong divisions had emerged within the TFG between Yusuf's supporters and an alliance of clan leaders and Islamists; the president was perceived as hostile to the influence of Islamists in politics and social services in Mogadishu. The Islamist Courts Union (ICU), a broad coalition of Islamists, eventually emerged as the dominant force within the capital, and over the course of 2006, the group gained control of most of southern Somalia. Unable to assert power in Mogadishu, the TFG established itself in Baidoa, about 155 miles to the north. Meanwhile, a hard-line faction within the ICU that was backed by Eritrea grew increasingly hostile toward Ethiopia. With U.S. support, Ethiopian forces invaded Somalia to oust the ICU in December 2006. By year's end, the Islamist forces had retreated to the extreme south of the country.

The ouster of the ICU led to renewed instability and an insurgency against the Ethiopian-backed TFG by groups including the Shabaab (Arabic for "youth"), a



radical ICU faction. According to human rights groups, all sides in the conflict were guilty of severe human rights abuses, and as many as 400,000 people were displaced from Mogadishu during 2007. In November of that year, the TFA approved Nur Adde Hassan Hussein as the new prime minister; the increasingly unpopular Gedi had resigned weeks earlier. By the end of the year, a group of moderate exiled ICU leaders had joined forces with non-Islamist opposition members to form the Alliance for the Reliberation of Somalia (ARS), though hard-line Shabaab supporters did not participate.

Insurgent groups continued to battle Ethiopian and TFG forces in 2008, and increased attacks on aid workers led to a reduction in humanitarian assistance. UN-sponsored negotiations between the TFG and ARS began in Djibouti in June, and in August, the two sides signed an agreement calling for an end to fighting, the eventual withdrawal of Ethiopian forces, and the establishment of a joint security committee. In November, the TFG and ARS agreed to a power-sharing arrangement that doubled the size of the 275-member parliament. The Ethiopian government announced that its 2,000-strong force would withdraw by the end of the year, but the pullout was not completed by year's end. The Shabaab and a hard-line faction of the ARS did not participate in the Djibouti talks, and fierce fighting continued. By November, forces allied with the Shabaab had gained control of most of southern Somalia, and another Islamist faction had seized several cities along the Ethiopian border. Clashes continued at year's end between Islamic militia groups and Ethiopian-backed government forces, particularly over control of Mogadishu.

### **Political Rights and Civil Liberties:**

Somalia is not an electoral democracy. The Somali state has in many respects ceased to exist. Technically, the country is governed by an internationally recognized Transitional Federal Government (TFG), but its actual control is minimal. The 275-member Transitional Federal Assembly (TFA), which convened in 2004, elected Abdullahi Yusuf Ahmed to a five-year term as president, and he had the power to appoint a prime minister. In November 2008, the TFG and the ARS agreed to increase the number of parliamentary seats to 550, with 200 of the new seats allocated to the ARS and 75 to civil society groups. Yusuf resigned as president in late December, and the legislature began deliberations on a replacement. The country has no effective political parties, and the political process is driven largely by clan loyalty.

Since May 1991, the northwestern region of Somaliland, roughly comprising the territory of the former British colony, has functioned with considerable stability as a de facto independent state, though it has not received international recognition. The region of Puntland, in the northeastern corner of the country, has been relatively autonomous since 1998. However, unlike Somaliland, it has not sought full independence, declaring only a temporary secession until Somalia is stabilized. Presidential elections in Puntland are scheduled for January 2009, and opposition candidates have accused incumbent Adde Muse, who is seeking reelection, of misusing public funds. In November 2008, opposition candidates also rejected the electoral commission, whose members were appointed by the president.

Because of mounting civil unrest and the breakdown of the state, corruption in Somalia is rampant and grew worse following the ouster of the ICU in 2006. Somalia was ranked as the worst performer among 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although Somalia's Transitional Federal Charter (TFC) calls for the freedoms of speech and the press, these rights are quite limited in practice. The National Union of Somali Journalists (NUSOJ) declared that conditions worsened considerably in 2007, making Somalia the most dangerous country for journalists in Africa. During the year, eight media workers were killed, 53 were arrested, and more than 55 fled the country; five media outlets were also shut down. Journalists continued to face dangerous conditions in 2008, with three deaths in addition to several arrests and abductions. A journalist with the Somali National News Agency, Hassan Kafi Hared, died in a landmine explosion near Kismayo in January, and in June, NUSOJ vice president and British Broadcasting Corporation (BBC) correspondent Nasteh Dahir Farah was assassinated in Kismayo. Authorities arrested several journalists and harassed media outlets to limit their coverage of the insurgency. In one incident in April, TFG authorities raided and shut down a private Mogadishu-based radio station and arrested five of the station's employees, though they were released the same day and the station was permitted to resume broadcasting. In November, two foreign journalists and a local photographer were abducted in Mogadishu along with their driver. The parliament adopted a press law in March that allowed for significant government control over the media, prompting advocacy groups to call on the president to reject the bill; criticism of the law persisted through year's end.

Journalists also faced a difficult and dangerous media environment in Puntland, where in August the president banned journalists from reporting on the January 2009 presidential election until November 1. Two foreign journalists were abducted in Puntland in November and remained in captivity at year's end.

Despite the fragmented state of the Somali media environment, photocopied dailies and low-grade radio stations have proliferated since 1991. Owing to poverty and low literacy levels, radio remains the primary news medium, although there is no national broadcaster. A number of independent outlets ceased operations in 2007, and many of those that remain serve largely as mouthpieces for the factions they support in the fighting. Somalis living abroad maintain a rich internet presence, and internet and mobile-telephone services are widely available in large cities. Nevertheless, poverty, illiteracy, and the displacement of Somalis from urban areas limit access to these resources.

Nearly all Somalis are Sunni Muslims, but there is a very small Christian community. Both the TFC and Puntland's charter recognize Islam as the official religion. The educational system is severely degraded due to the breakdown of the state, and there is no system of higher education outside of Mogadishu. Academics reportedly practice self-censorship. Militants attacked primary and secondary schools on six separate occasions during 2008, prompting a three-day strike by educators in September to call for an end to the violence.

Freedom of assembly is not respected amid the ongoing violence, and the largely informal economy is inhospitable to organized labor. The conflict has forced non-governmental organizations and UN agencies operating in Somalia to either reduce or suspend their activities. Between July 2007 and June 2008, some 20 staff members of these groups were killed, making Somalia the world's most dangerous location for aid workers. The 2008 attacks included the July assassination of the local head of the UN Development Programme and the November murder of the local leader of Mercy Corps. Worsening piracy off the Somali coast has increased the cost of ship-

ping humanitarian supplies, although there have been no hijackings of UN World Food Programme ships since the initiation of naval escorts by NATO countries in November 2007.

There is no judicial system functioning effectively at the national level. In many regions, local authorities administer a mix of Sharia (Islamic law) and traditional Somali forms of justice and reconciliation. Islamist groups that have regained territory since the ouster of the ICU in late 2006 have reimposed Sharia with varying degrees of severity. The harshest codes are enforced by affiliates of the Shabaab. The human rights situation in Somalia remained grim in 2008, and several international monitoring groups reported abuses by the Ethiopian military, the TFG, and insurgent factions.

Most Somalis share the same ethnicity and religion, but clan divisions have long fueled violence in the country. The larger, more powerful clans continue to dominate political life and are able to use their strength to harass the weaker clans.

Women in Somalia face a great deal of discrimination. Female genital mutilation is still practiced in some form on nearly all Somali girls. Sexual violence is rampant due to lawlessness and impunity for perpetrators, and rape victims are often stigmatized. In October 2008, a 13-year-old rape victim was stoned to death after an Islamic court in Kismayo found her guilty of adultery.

## South Africa

**Population:** 48,300,000

**Capital:** Tshwane/Pretoria

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	2,2F	2,2F	2,2F

### Overview:

In September 2008, President Thabo Mbeki resigned under pressure from the ruling African National Congress (ANC) party, which was controlled by recently elected party president Jacob Zuma, Mbeki's rival. ANC deputy leader Kgalema Motlanthe was elected by the National Assembly to serve out the rest of Mbeki's term, which ended in 2009. A number of Mbeki supporters subsequently left the ANC to form a new opposition party, the Congress of the People (COPE). Also during the year, foreign migrants were targeted in a wave of "xenophobic" attacks in the country's cities and surrounding areas in May.

In 1910, the Union of South Africa was created as a self-governing dominion of the British Empire. The Afrikaner-dominated National Party (NP) came to power in

1948 on a platform of institutionalized racial separation, or "apartheid," that was designed to maintain white minority rule. Partly as a result, South Africa declared formal independence in 1961 and withdrew from the Commonwealth. The NP went on to govern South Africa under the apartheid system for decades. Mounting domestic and international pressure prompted President F. W. de Klerk to legalize the anti-apartheid African National Congress (ANC) and release ANC leader Nelson Mandela from prison in 1990. Between then and 1994, when the first multiracial elections were held, almost all apartheid-related legislation was abolished, and an interim constitution was negotiated and enacted.

The ANC won the April 1994 elections in a landslide, and Mandela was elected president. As required by the interim constitution, a national unity government was formed, including the ANC, the NP, and the Zulu-nationalist Inkatha Freedom Party (IFP). A Constitutional Assembly produced a permanent constitution, which was signed into law in December 1996. The ANC claimed almost two-thirds of the vote in 1999 elections, and Thabo Mbeki, Mandela's successor as head of the ANC, won the presidency.

The ANC confirmed its dominance in the 2004 elections, winning nearly 70 percent of the vote and 279 of the 400 seats in the National Assembly. Mbeki was sworn in for a second five-year term. The ANC also secured majorities in seven of nine provincial legislatures. The liberal (and primarily white-based) Democratic Alliance (DA) won 12.4 percent of the vote and 50 seats in the National Assembly, while the IFP won almost 7 percent and 28 seats. Smaller opposition parties captured the remainder.

The ANC's growing power was accompanied by increasing tensions with its governing allies, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). COSATU and the SACP vocally criticized the ANC governments' liberal macroeconomic policies, gradualist approach to land reform, delivery of public services, and HIV/AIDS treatment policies, among other issues. In May 2007, COSATU led a four-week strike by some 500,000 public sector workers to demand higher pay; smaller-scale strike actions continued in 2008.

Ongoing controversies surrounding former deputy president Jacob Zuma also exposed rifts, both in the governing alliance and within the ANC proper. Mbeki had sacked Zuma in 2005 after he was implicated in the corruption trial of his financial adviser, Schabir Shaik. Zuma's supporters—including COSATU, SACP, the ANC Youth League, and many ethnic Zulus—claimed that the scandal was engineered by Mbeki's allies in the ANC and the media; these accusations were redoubled after Zuma was accused of raping a family friend. In 2006, he was acquitted of the rape charge, and his corruption trial was dismissed on procedural grounds.

At the ANC's national conference in December 2007, Zuma defeated Mbeki in a heated battle for the party presidency, and Zuma's allies were elected to a majority of other ANC executive positions. By late 2008, relations between the ANC and Mbeki's government had grown seriously strained. In September, a High Court judge set aside the remaining corruption charges against Zuma due to prosecutorial misconduct. Later that month, the ANC's national executive committee called on Mbeki to resign; he did so the following day, followed by 11 cabinet ministers. The party nominated its deputy president, Kgalema Motlanthe, to serve as interim state president, and he was quickly confirmed by the National Assembly, earning 269

of 360 votes cast; Joe Seremane of the opposition DA won 50 votes, while 41 ballots were spoiled.

After Mbeki's ouster, recently resigned defense minister Mosiuoa "Terror" Lekota quit the ANC and formed a new opposition party, eventually called the Congress of the People (COPE). He was joined by a number of other ANC leaders, most of them Mbeki allies, and COPE formally registered as a party in December.

Also during 2008, a growing trend of attacks on African migrants—particularly Zimbabweans—reached its peak in May, with a wave of assaults that killed 62 suspected foreigners (21 were in fact South African) and displaced some 80,000 others by the end of the month. Provincial authorities, in cooperation with UN officials and local civil society groups, set up 94 refugee camps to shelter about 15,000 displaced people. While some foreigners returned to their home countries and others opted for reintegration in local communities, about 2,000 were forced to leave after the provincial governments shut down the camps in October and September. By November, an additional 10 foreigners had been killed near Cape Town, though the government classified these killings as ordinary criminal cases.

Some 5.5 million South Africans, about 12 percent of the population, are infected with HIV/AIDS. Mbeki's government, which voiced skepticism about the link between HIV and AIDS, had resisted making antiretroviral drugs (ARVs) available through the public-health system; a 2008 Harvard University study claimed that 330,000 people had died between 2000 and 2005 as a result. By 2003, international and domestic pressure had spurred the government to begin working toward universal ARV treatment. In December 2008, the new government announced an effort to increase the availability of ARVs; some 300,000 South Africans were being treated with the drugs by year's end.

**Political Rights and Civil Liberties:** South Africa is an electoral democracy. Elections for the 400-seat National Assembly are determined by party-list proportional representation, and the 90 members of the National Council of Provinces are selected by the provincial legislatures. The National Assembly elects the president to serve concurrently with its five-year term.

The ANC, which has won supermajorities in every democratic election, dominates the political landscape. The DA is the leading opposition party, followed by the IFP; COPE was set to become another opposition force after the 2009 national elections. The electoral process is generally free and fair, although the state-owned South African Broadcasting Corporation (SABC) has been accused of pro-ANC bias. While political violence has decreased substantially with each election cycle, several ANC and IFP candidates were killed in KwaZulu-Natal province in the run-up to the 2006 municipal elections. There were several instances of threatened or actual political violence in 2008, including a stabbing at an ANC conference in Western Cape province and intimidation by ANC supporters at several gatherings of the splinter group that became COPE. In June, ANC Youth League and COSATU leaders said their groups were prepared to take up arms and kill for ANC president Jacob Zuma.

Several agencies and special bodies are tasked with combating official corruption, but enforcement is inadequate. Public servants regularly fail to declare their business interests as required by law, and the ANC has been criticized for charging fees to business leaders for access to top government officials. In 2007, police com-

missioner Jackie Selebi was arrested on charges of corruption related to his association with an organized crime boss; Selebi was set to stand trial in 2009. While the corruption charges against Zuma were dismissed in September 2008, prosecutors were granted leave to appeal that decision the following month. Separately, in October the Parliament abolished the Directorate of Special Operations, known as the Scorpions, an independent unit that had pursued several high-profile corruption investigations, including the Zuma case. South Africa was ranked 54 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of expression and the press are protected in the constitution and generally respected in practice. A number of private newspapers and magazines are sharply critical of powerful figures and institutions. Most South Africans receive the news via radio outlets, a majority of which are controlled by the SABC. The SABC also dominates the television market, but two commercial stations are expanding their reach. Internet access is unrestricted and growing rapidly, although many South Africans cannot afford the service fee.

The government is increasingly sensitive to media criticism and has encroached on the editorial independence of the SABC. A 2006 internal SABC report found that government critics had been barred from the airwaves, and in 2007, groups including COSATU and the Johannesburg-based Freedom of Expression Institute accused the government of conducting political purges at the broadcaster. In a sign of internal rifts, SABC chief executive Dali Mpofu suspended head of news Snuki Zikalala in May 2008 for allegedly leaking confidential documents; the SABC board then suspended Mpofu, and repeated the action after a court reinstated him. The board also cleared Zikalala of any wrongdoing. In addition, both the ANC and COPE accused the SABC of biased coverage of the 2008 ANC split, while SABC journalists accused the two parties of intimidation ahead of the 2009 elections. In December, Zuma launched a \$700,000 defamation lawsuit against cartoonist Jonathan Shapiro, known as Zapiro, for a September cartoon in the *Sunday Times*.

Freedom of religion and academic freedom are constitutionally guaranteed and actively protected by the government. In November 2008, however, the Freedom of Expression Institute expressed concern over disciplinary proceedings against two professors at the University of KwaZulu-Natal for publicly criticizing the university vice-chancellor's handling of an internal debate on academic freedom.

Freedoms of association and peaceful assembly are also secured by the constitution, and South Africa hosts a vibrant civil society and an embedded protest culture. Nongovernmental organizations (NGOs) can register and operate freely. Lawmakers regularly accept input from NGOs on pending legislation. A recent trend of protests over the pace and extent of public service delivery continued in 2008. While the government has made significant progress in providing potable water and electricity to most of the country's households, since 2004, there have been thousands of service-related protests in over 90 percent of municipalities. In many cases, both protesters and police have employed violent tactics.

South Africans are free to form, join, and participate in independent trade unions. Labor rights under the 1995 Labor Relations Act are respected, and more than 250 trade unions exist. COSATU—which claims over two million members—is part of a tripartite governing alliance with the ANC and the SACP. Strike activity is common.

In 2008, COSATU and affiliated unions organized a series of strikes and demonstrations to protest rising food, fuel, and electricity costs. In June, a strike by local police turned violent when strikers and national police exchanged gunfire, but no one was injured.

Judicial independence is guaranteed by the constitution, and the courts—particularly the Constitutional Court and the Supreme Court—operate with substantial autonomy. In 2008, however, judicial and prosecutorial independence came under fire. In June, the Constitutional Court (CC) filed a complaint with the Judicial Service Commission (JSC) against senior Cape High Court judge John Hlophe, alleging that he had approached two CC judges in an attempt to influence the Zuma corruption case. ANC secretary-general Gwede Mantashe labeled the CC's actions "counter-revolutionary," and the Johannesburg High Court later ruled that the CC had violated Hlophe's rights by filing its complaint in a public manner. The CC appealed that decision, which had not been resolved by year's end. Meanwhile, when Pietermaritzburg High Court judge Christopher Nicholson dismissed the corruption charges against Zuma in September, he stated in the ruling that he believed Zuma's prosecution to have been at least partially motivated by political interference from the executive branch. In November, a commission of inquiry cleared Vusi Pikoli, head of the National Prosecuting Authority, of wrongdoing after the justice minister suspended him in 2007. The suspension was initially attributed to disagreements over the Zuma case, but it later emerged that Pikoli had authorized an arrest warrant for police commissioner Jackie Selebi, a Mbeki ally. Despite the inquiry's outcome, President Motlanthe formally dismissed Pikoli in December 2008.

Staff and resource shortages undermine defendants' procedural rights, including the rights to a timely trial and state-funded legal counsel. While pretrial detainees wait an average of three months before trial, some wait up to two years. The lower courts have proven more susceptible to corruption than the higher panels, and there have been reports of violent intimidation of judges and magistrates.

Despite constitutional prohibitions and government countermeasures, there have been reports of police torture and excessive force during arrest, interrogation, and detention. Deaths in custody continue to be a problem. Prisons often do not meet international standards and feature overcrowding, inadequate health care, and abuse of inmates by staff or other prisoners. In 2006, a commission of inquiry found corruption, maladministration, and sexual violence to be rife in the penal system.

South Africa has one of the highest violent-crime rates in the world. In April 2008, a deputy security minister reportedly told police to institute a "shoot to kill" policy regarding criminals. Later in the year, Zuma suggested that South Africans should reassemble the "street committees" that patrolled cities and surrounding areas before the democratic transition in 1994; critics accused Zuma of promoting vigilantism.

The constitution prohibits discrimination based on a range of categories, including race, sexual orientation, and culture. State bodies such as the South African Human Rights Commission (SAHRC) and the Office of the Public Prosecutor (OPP) are empowered to investigate and prosecute cases of discrimination. Affirmative-action legislation has benefited previously disadvantaged groups (defined as "Africans," "Coloureds," and "Asians") in public and private employment as well as in education. Racial imbalances in the workforce persist, and a majority of the country's business assets remain white-owned. The government's Black Economic Empower-

ment (BEE) program aims to increase the black stake in the economy, mostly by establishing race-based ownership thresholds for government tenders and licenses. In June 2008, the Pretoria High Court ruled that Chinese South Africans should also enjoy access to such benefits and thus included them in the official definition of "black." The year featured a number of racist attacks on black South Africans, including a shooting spree in North-West province that killed four people and wounded nine.

Increased illegal immigration, particularly from Zimbabwe and Mozambique, has led to a rise in xenophobia and attacks by police and vigilantes, including the widespread wave of attacks in May 2008. Immigration and police forces have been accused of abusing illegal immigrants and detaining them longer than allowed under the Immigration Act. There are an estimated two to three million Zimbabweans in South Africa. Separately, the nomadic Khoikhoi and Khomani San peoples, indigenous to South Africa, suffer from social and legal discrimination.

South Africa has one of the world's most liberal legal environments for homosexuals. The 2006 Civil Unions Act legalized same-sex marriage, and a 2002 Constitutional Court ruling held that homosexual couples should be allowed to adopt children. Nevertheless, a report issued by the Human Sciences Research Council in 2006 documented a recent increase in hate crimes against homosexuals.

The state generally protects citizens from arbitrary deprivation of their property. However, some 80 percent of farmland is owned by white South Africans, who make up 14 percent of the population. As a result, thousands of black and colored farmworkers suffer from insecure tenure rights; illegal squatting on white-owned farms is a serious problem, as are attacks on white owners. The government has vowed to transfer 30 percent of land to black owners by 2014 and has agreed to reconsider its "willing buyer, willing seller" policy in favor of a more expedient approach. In 2007, the government for the first time expropriated a farm, compensating the owners with \$4.9 million. The government presented legislation in 2008 that would allow it to seize farmland and other assets more rapidly, but the bill was shelved in August. Separately, a state-sponsored effort to revamp downtown Johannesburg has evicted hundreds—and potentially thousands—of squatters from inner-city buildings. In January 2008, police evicted about 1,500 people living in the Central Methodist Church in Johannesburg, detaining scores. The raid was ostensibly a search for illegal drugs, guns, and immigrants, but human rights groups said the police used excessive force, violated detainees' due process, and lacked proper warrants.

Equal rights for women are guaranteed by the constitution and promoted by the constitutionally mandated Commission on Gender Equality. While the constitution allows the option and practice of customary law, it does not allow such law to supersede the rights assured to women as South African citizens. Nevertheless, women suffer de facto discrimination with regard to marriage, divorce, inheritance, and property rights. Domestic violence and rape, both criminal offenses, are serious problems: South Africa has one of the world's highest rates of sexual abuse. A long-awaited sexual offenses bill became law in December 2007; among other changes, the law replaces the country's common law approach to defining and punishing rape with a broad statute and stricter punishments. Women are also subject to sexual harassment and wage discrimination in the workplace and are not well represented in top management positions. However, women hold 131 seats in the National As-



sembly, and head 12 of 28 ministries and 4 of 9 provincial governments. In 2005, Mbeki appointed a woman, Phumzile Mlambo-Ngcuka, as deputy president, but she resigned with him in 2008.

## South Korea

**Population:** 48,600,000

**Capital:** Seoul

**Political Rights:** 1

**Civil Liberties:** 2

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,2F	2,2F	2,2F	2,2F	2,2F	1,2F	1,2F	1,2F	1,2F	1,2F

### Overview:

South Korea experienced a number of major protests in 2008, including large demonstrations against the resumption of beef imports from the United States, labor union actions against planned economic reforms, and protests against alleged pro-Christian bias by newly elected President Lee Myung-bak, whose cabinet did not include a Buddhist Parliamentary elections were held in April, with Lee's Grand National Party capturing 153 out of 299 seats in the National Assembly. The country's relations with North Korea cooled during the year, as Lee insisted that aid would be conditional on nuclear disarmament and progress on human rights issues.

The Republic of Korea (ROK) was established on the southern portion of the Korean Peninsula in 1948, three years after the Allied victory in World War II ended Japan's 35-year occupation. U.S. and Soviet forces had divided the peninsula between them, initially to accept the surrender of the Japanese army. The subsequent Korean War (1950-53) pitted the U.S.- and UN-backed ROK, or South Korea, against the Soviet- and Chinese-backed Democratic People's Republic of Korea (DPRK), or North Korea, and left some three million Koreans dead or wounded. In the decades that followed the 1953 armistice, South Korea's mainly military rulers crushed dissent and maintained a tightly controlled society in response to the continuing threat from the North. During this period, South Korea implemented an export-led industrialization drive that transformed the poor, agrarian land into the 13th largest economy in the world.

South Korea began its democratic transition in 1987, when military strongman Chun Doo-hwan acceded to widespread protests by students and the middle class, allowing his successor to be chosen in a direct presidential election. In the December balloting, Roh Tai-woo, Chun's protegé and fellow general, defeated the country's two best-known dissidents, Kim Young-sam and Kim Dae-jung, as the opposition failed to unite behind a single candidate.

After joining the ruling party in 1990, Kim Young-sam defeated Kim Dae-jung in the 1992 presidential election to become South Korea's first civilian president since 1961. As president, he tried to reduce corruption, sacked hard-line military officers, curbed the domestic security services, and successfully prosecuted former presidents Chun and Roh for corruption and treason. However, anger over the government's failure to better supervise the country's banks and business conglomerates in the midst of a regional financial crisis led South Koreans in December 1997 to elect Kim Dae-jung as president—making him the first opposition candidate to win a presidential election.

Kim Dae-jung came to power seeking to improve inter-Korean relations. His efforts to reach out to North Korea culminated in a historic June 2000 summit with North Korean leader Kim Jong-il. With Kim Dae-jung constitutionally barred from seeking a second term, Roh Moo-hyun, a human rights lawyer and former minister of maritime affairs and fisheries, won the December 2002 presidential election on the ruling party's ticket; he narrowly defeated the favored Lee Hoi-chang of the opposition Grand National Party (GNP).

Roh took office in February 2003 facing an economic slowdown, an opposition-led parliament, and public moves by North Korea to revive its nuclear weapons program. In addition, prosecutors were investigating election irregularities involving millions of dollars in illegal corporate donations. In October 2003, lawmakers loyal to Roh formed the Uri Party ("Our Party") to support the embattled president. Just one year into his term, the opposition brought a parliamentary motion to impeach Roh; the charges concerned a minor technical breach of election rules. While Roh had stepped down, the Uri Party won 152 seats during parliamentary elections in 2004, taking control of the chamber. Following the election, the Constitutional Court overturned the impeachment vote, and Roh was reinstated as president. Nevertheless, his popularity entered a period of sustained decline.

In the December 2007 presidential election, former Seoul mayor Lee Myung-bak of the GNP—who promised economic growth and reciprocity in dealing with North Korea—won with 48.7 percent of the vote, defeating former unification minister Chung Dong-young of the Uri Party, who took 26.1 percent. Lee took office as president in February 2008. The GNP scored another victory in the April parliamentary elections, winning 131 seats outright and an additional 22 seats through proportional representation; the opposition Democratic Party (formerly the Uri Party) captured 66 seats outright and received 15 proportional seats.

President Lee shifted South Korea's foreign-policy priorities to focus on strengthening relations with the United States rather than improving ties with North Korea. At an April 2008 summit meeting between Lee and his U.S. counterpart in April, South Korea agreed to resume U.S. beef imports that had ended in 2003 when the United States recorded an outbreak of bovine spongiform encephalopathy (BSE), better known as mad cow disease. The resumption was designed to encourage the countries' respective legislatures to ratify a bilateral free-trade agreement (FTA) signed in April 2007. However, opposition parties and groups opposed to the FTA mobilized mass protests against the resumption of beef imports, and the protests grew when a television network's investigative news program incorrectly stated that an American woman had died from a new variant of BSE that affects human beings. Over the next two months, tens of thousands of people held candlelight vigils to protest U.S. beef.

Taking advantage of the outcry over beef imports, labor unions joined the protests in Seoul to oppose the new government's plans for privatizing public corporations. Meanwhile, Buddhist monks and their followers protested against the president's alleged regional and pro-Christian bias. Lee was a Christian church elder and had been accused of appointing only Christians to top posts. The various protests eventually subsided in August, after the government moved to renegotiate the import agreement and the president, acknowledging his administration's missteps, replaced a number of senior advisers.

On the North Korea issue, Lee had pledged to break from his predecessors' policy of unconditional engagement with Pyongyang, arguing that relations should be linked to human rights improvements and disarmament cooperation by the North. Because the DPRK refused to fully disable its nuclear facilities or provide a complete account of its nuclear program during the year, the North-South dialogue was largely frozen in 2008. Furthermore, the Lee administration stated in March 2008 that it would support resolutions in UN bodies that criticized North Korea's human rights violations. South Korea had repeatedly refrained from supporting such measures in previous years, with the exception of 2006, when the DPRK had conducted nuclear and ballistic missile tests.

### **Political Rights and Civil Liberties:**

South Korea is an electoral democracy. Elections are free and fair, and the government is elected on the basis of universal suffrage. The 1988 constitution vests executive power in a directly elected president, who is limited to a single five-year term. The unicameral National Assembly, consisting of 299 members, is elected for a four-year term. The 2004 parliamentary elections demonstrated that major steps had been taken since 2002 to improve electoral processes. The advances included adherence to campaigning rules, record levels of voter turnout, and a reduction in electoral irregularities under the watch of the National Election Commission. The improvements have generally been maintained in subsequent elections.

Political pluralism is robust in South Korean politics, with multiple political parties competing for power. The two largest parties are the GNP and the Democratic Party, formerly the Uri Party.

Despite the overall health of the South Korean political system, bribery, influence peddling, and extortion by officials have not been eradicated from politics, business, and everyday life. South Korea was ranked 40 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

South Korea's news media are free and competitive. Newspapers are privately owned and report fairly aggressively on governmental policies and alleged official and corporate wrongdoing. The government directly censors films for sex and violence, though it has been increasingly liberal in recent years. Violent and sexually explicit websites are also censored. The National Security Law stipulates that South Koreans may not listen to North Korean radio. However, no effective measures are in place to block access to broadcasts by North Korean stations.

The administration of former president Roh Moo-hyun tried to push through legislation that would have restricted the circulation of conservative dailies, but the bill did not pass. In October 2007, the outgoing government closed all government pressrooms except for the pressroom in the Central Government Complex. The Gov-

ernment Information Agency said the closures were designed to upgrade the "support system for news coverage"; journalists criticized them as an attempt to muzzle or influence the press. The new government under Lee Myung-bak ended this press restriction in March 2008 and returned to the former policy of more openness.

The constitution provides for freedom of religion, and the government does not enforce any state religion. Academic freedom is also unrestricted, with the exception of limits on statements of support for the North Korean regime or pro-communist comments in accordance with the National Security Law. This law is applied selectively and only rarely.

South Korea respects freedom of assembly, and the Law on Assembly and Demonstrations requires only that the police be informed in advance of all demonstrations, including political rallies. Major demonstrations on a range of political issues were mounted during the spring and summer of 2008. Human rights groups, social welfare organizations, and other nongovernmental organizations (NGOs) are active and, for most part, operate freely. However, the government's approach to issues related to North Korea can impede NGO activities. In September 2008, the current conservative government arrested four members of a progressive civic group for allegedly praising North Korea.

The country's independent labor unions strongly advocate workers' interests, organizing high-profile strikes and demonstrations that sometimes lead to arrests. The law still bars defense-industry and white-collar government workers from forming unions and bargaining collectively, although government workers can form more limited workplace councils. Labor leaders are frequently arrested for fomenting unrest. In May 2008, the Ministry of Justice arrested two leaders of the Seoul-Gyeonggi-Incheon Migrant Trade Union who were protesting government crackdowns against illegal workers.

South Korea's judiciary is generally considered to be independent. There is no trial by jury; judges render verdicts in all cases. Officers of the National Police Administration, under the Ministry of Government Administration and Home Affairs, are occasionally responsible for verbal and physical abuse of detainees. While South Korea's prisons lack certain amenities, such as hot water in the winter, there have been few reports of beatings or intimidation by guards.

Because South Korean citizenship is based on parentage rather than place of birth, residents who are not ethnic Koreans face extreme difficulties obtaining citizenship. Lack of citizenship bars them from the civil service and also limits job opportunities at some major corporations. The country's few ethnic minorities face legal and societal discrimination.

The government generally respects citizens' right to privacy. An Anti-Wiretap Law sets out the conditions under which the government can monitor telephone calls, mail, and e-mail. Nevertheless, political and business elites often carry two cell phones and change their numbers frequently to evade what they perceive as intrusive government eavesdropping. Travel both within South Korea and abroad is unrestricted; the only exception is travel to North Korea, for which government approval is required.

Although women in South Korea enjoy legal equality, they face discrimination in practice, with men enjoying more social privileges and better employment opportunities. However, a landmark ruling by the Supreme Court in July 2005 granted mar-

ried women equal rights with respect to inheritance. Previously, married women were considered to be part of their husband's family and were not eligible to inherit family property.

## Spain

**Population:** 46,300,000

**Capital:** Madrid

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review**  
(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Parliamentary elections held in March 2008 returned the ruling Socialists to power with a clear victory but just short of a majority. In May and November, French and Spanish police captured two key leaders of the Basque terrorist group, ETA. Despite these arrests, there were a number of violent attacks carried out by the Basque terrorist group during the year. In June, tens of thousands of truck drivers went on strike to protest the price of diesel.

Peninsular Spain's current borders were largely established by the 16th century, and after a period of great colonial expansion and wealth, the country declined in relation to its European rivals. Most of its overseas possessions had been lost in wars or revolts by the end of the 19th century. The Spanish Civil War of 1936-39 led to the deaths of more than 350,000 people and ended in victory for General Francisco Franco's right-wing Nationalists, who executed, jailed, and exiled the leftist Republicans. During Franco's long rule, many countries cut off diplomatic ties, and his regime was ostracized by the United Nations from 1946 to 1955. The militant Basque separatist group Euskadi Ta Askatasuna (ETA), or Basque Fatherland and Freedom, was formed in 1959 with the aim of creating an independent Basque homeland and went on to carry out a campaign of terrorist bombings and other illegal activity. After a transitional period following Franco's death in 1975, Spain emerged as a parliamentary democracy, joining the European Economic Community, the precursor to the European Union (EU), in 1986.

During the March 2004 parliamentary elections, the Spanish Socialist Workers' Party (PSOE) won more than 43 percent of the vote, capturing 164 seats in the Congress of Deputies, the parliament's lower house. The conservative Popular Party (PP), which had been in power for 11 years, was reduced to 148 seats. Lacking an outright majority, the PSOE relied on the regionalist parties to support its legis-

lation. In the Senate, the PP led by winning 102 directly elected seats, while the PSOE took 81.

The elections came only three days after multiple terrorist bombings of commuter trains in Madrid that killed close to 200 people. Shortly after the bombings, the conservative government blamed ETA, a factor that angered voters when it was discovered that the perpetrators were instead linked to Islamic fundamentalists. The attacks allegedly came in response to the conservative government's staunch support of the U.S.-led war in Iraq. Shortly after becoming prime minister, the PSOE's Jose Luis Rodriguez Zapatero pulled Spain's contingent of 1,300 troops out of Iraq. In October 2007, a Spanish court handed down long prison sentences for 21 of the 28 defendants charged in connection with the 2004 Madrid train bombings; 7 of the accused were acquitted. In January 2008, a key suspect in the 2004 Madrid terrorist bombings was arrested in Morocco and was sentenced to 20 years in prison in December that year. In March 2006, the parliament passed an autonomy plan for the northeastern region of Catalonia despite resistance from the opposition PP. Catalanian voters in June approved the plan, which gave the region national status within Spain and greater control over taxation, judicial matters, and immigration.

Peace talks between the Spanish government and ETA broke down in January 2007, after the separatist group claimed responsibility for a December 2006 bombing in a parking garage at the Barajas Airport. Negotiations had begun in July 2006, after ETA announced its first permanent ceasefire in March of that year. The Supreme Court banned hundreds of candidates from participating in May 2007 local elections in the Basque region, accusing them of links to ETA. In October, the authorities arrested 17 members of Batasuna, ETA's political wing, for holding an illegal meeting and having links to a terrorist organization. Batasuna, which had previously garnered between 5 and 10 percent of the regional vote, was banned in 2003.

In February 2008, 14 members of Batasuna were arrested in Spain. In May, French police captured Javier Lopez Pena, a senior ETA commander, and in November, Mikel Garikoitz Aspiazu Rubina—one of the organizations most senior leaders—was arrested in France. Despite these arrests, ETA carried out over 20 violent attacks during the year, killing at least 2 people, including a police officer. Meanwhile, a referendum associated with the call for Basque independence was scheduled in October, but was overturned by the Spanish Constitutional court the month prior.

Parliamentary elections held in March 2008 returned the PSOE to power. The PSOE, which had focused on liberal reforms, such as gender equality and same-sex marriage, won 43.5 percent of the vote in the lower house, followed by the PP, which captured 40.1 percent. The Convergence and Union (CiU) won 3.1 percent; the Basque Nationalist Party (PNV), 1.2 percent; the Republican Left of Catalonia, (ERC) 1.2 percent; and other parties, 10.8 percent.

Despite surveillance efforts by European and African governments, African migrants continued to land on the Canary Islands in overcrowded boats. In August 2008, at least 25 African migrants died off Spain's southern coast, and in September, the bodies of 13 migrants were found on the Canary Islands. However, the number of migrants reaching the country by boat has significantly dropped since 2006, due partly to a new EU surveillance system, with aircraft and ships posted off the coast of Africa. The EU has also been active in establishing job centers in

Africa to regularize migration. In 2006, Spain and Senegal signed a cooperation agreement that would discourage illegal migration while organizing the recruitment of legal workers.

**Political Rights and Civil Liberties:** Spain is an electoral democracy. The Congress of Deputies, the lower house of the National Assembly, has 350 members elected from party lists in provincial constituencies. The Senate has 259 members, with 208 elected directly and 51 chosen by regional legislatures. Members of both the Senate and Congress serve four-year terms. Following legislative elections, the prime minister, known as the president of the government, is selected by the monarch and is usually the leader of the majority party or coalition. The candidate must also be elected by the National Assembly. The country's 50 provinces are divided into 17 autonomous regions with varying degrees of power, in addition to the 2 North African enclaves of Ceuta and Melilla.

People generally have the right to organize in political parties and other competitive groups of their choice. The Basque separatist Batasuna party was permanently banned in 2003 for its alleged ties to the armed group ETA.

The U.S. State Department's Report on Human Rights in 2008 cited several instances of official corruption during the year, including police fraud and the defrauding of a municipality. Several mayors in the past three years have been arrested for corruption-related offences. Spain was ranked 28 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The country has a free and lively press, with more than 100 newspapers covering a wide range of perspectives and actively investigating high-level corruption. Daily newspaper ownership, however, is concentrated within large media groups like Prisa and Zeta. Journalists who oppose the political views of ETA are often targeted by the group. In 2008, ETA carried out three bomb attacks against the media in Bilbao and its environs. In June, a Spanish judge reopened the case of Spanish journalist Ricardo Ortega, who was shot in Haiti in 2004 covering the ouster of President Jean Bertrand Aristide. An investigation by Antena 3, the television station where the journalist worked, found that the shot could have come from the U.S. military, which was in the country at the time as part of an international force brought in to maintain order. Internet access is not restricted.

Freedom of religion is guaranteed through constitutional and legal protections. Roman Catholicism is the dominant religion and enjoys privileges that other religions do not, such as financing through the tax system. Jews, Muslims, and Protestants have official status through bilateral agreements with the state, while other groups (including Jehovah's Witnesses and the Mormons) have no such agreements. The government does not restrict academic freedom. However, ETA has sought to silence academics who criticize its political goals.

The constitution provides for freedom of assembly, and the government respects this right in practice. People are free to demonstrate and speak publicly. Domestic and international nongovernmental organizations operate without government restrictions. With the exception of members of the military, workers are free to organize and join unions of their choice and also have the right to strike. About 15 percent of the workforce is unionized. In June 2008, tens of thousands of Spanish truck drivers went on strike to protest the then rising price of diesel, which had increased

by 20 percent; they were demanding that the government set a minimum price for their services.

The constitution provides for an independent judiciary. However, there have been concerns about the functioning of the judicial system, including the impact of media pressure on sensitive issues such as immigration and Basque terrorism. There have been reports of police abuse of prisoners, especially immigrants. Police can also hold suspects of certain terrorism-related crimes for up to five days with access only to a public lawyer. Prison conditions generally meet international standards.

Spanish law allows judges to try suspects for crimes committed abroad if they are not facing prosecution in their home country. In July 2007, the Supreme Court ruled that former Argentine general Ricardo Cavallo would stand trial in Spain for crimes against humanity that he allegedly committed during Argentina's so-called Dirty War of the 1970s and 1980s, in which the military government targeted suspected dissidents. In May, a Spanish court threw out murder charges against three U.S. servicemen in connection with an April 2003 shooting in Iraq.

The parliament in 2005 enacted legislation that legalized same-sex marriage and allowed gay couples to adopt children. Women enjoy legal protections against rape, domestic abuse, and sexual harassment in the workplace. However, violence against women, particularly within the home, remains a serious problem. The current prime minister has made the protection of women's rights and gender equality a centerpiece of his administration.

In March 2007, the Spanish parliament passed a law requiring that political parties run women candidates in at least 40 percent of the seats that they contest. The law also orders larger companies to institute "equality plans" that promote women and grants 15 days of paternity leave to new fathers. Women won 36 percent of the seats in the lower house in the 2004 elections, a 7 percent increase from the previous elections in 2000.

Trafficking in women for the purpose of sexual exploitation remains a problem in Spain. However, in its 2008 Trafficking in Persons Report, the U.S. State Department found that the country made a strong effort to combat trafficking through law enforcement. New legislation in 2007 increased the penalty for those convicted of trafficking if they are part of a criminal organization, and it allows the courts to prosecute cases that happen outside of Spain's borders. The country also continued to offer assistance to trafficking victims and made efforts to reduce the demand for prostitution. In October 2008, police arrested over 120 people suspected of involvement in a child pornography ring that reached over 75 countries. Over the last five years, over 1,200 people have been arrested in connection with child pornography in Spain.



## Sri Lanka

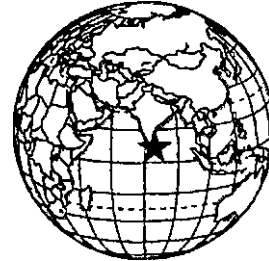
**Population:** 20,300,000

**Capital:** Colombo

**Political Rights:** 4

**Civil Liberties:** 4

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	3,4PF	3,4PF	3,4PF	3,3PF	3,3PF	3,3PF	4,4PF	4,4PF	4,4PF

**Overview:** As government forces made steady gains against the rebel Liberation Tigers of Tamil Eelam in 2008, the Tigers stepped up bombings and assassinations. The violence contributed to a spiraling humanitarian crisis, with more than 11,000 people killed and tens of thousands newly displaced during the year. In a prevailing climate of nationalist rhetoric and impunity, numerous human rights abuses occurred throughout the country, and rights to free expression and association were increasingly restricted.

Since independence from Britain in 1948, political power in Sri Lanka has alternated between the conservative United National Party (UNP) and the leftist Sri Lanka Freedom Party (SLFP). While the country made impressive gains in literacy, basic health care, and other social needs, its economic development was stunted and its social fabric tested by a long-running civil war that has killed more than 80,000 people. The conflict initially pitted several ethnic Tamil guerrilla groups against the government, which is dominated by the Sinhalese majority. Although triggered by anti-Tamil riots in 1983 that claimed hundreds of lives, the war came in the context of long-standing Tamil claims of discrimination in education and employment. By 1986, the Liberation Tigers of Tamil Eelam (LTTE, or Tamil Tigers), which called for an independent Tamil homeland in the merged North Eastern Province, had eliminated most rival Tamil guerrilla groups and was in control of much of the northern Jaffna Peninsula. At the same time, the government was also fighting an insurgency in the south by the leftist People's Liberation Front (JVP). The JVP insurgency, and the brutal methods used by the army to quell it in 1989, killed an estimated 60,000 people.

In 1994, Chandrika Kumaratunga ended nearly two decades of UNP rule by leading the SLFP-dominated People's Alliance (PA) coalition to victory in parliamentary elections and then winning the presidential election. Early in her term, she tried to negotiate a peace agreement with the LTTE, but following a renewal of hostilities by the rebels, she reverted to focusing on a military solution. Kumaratunga won early presidential elections in 1999, but the UNP and its allies gained a majority in 2001 parliamentary elections, and UNP leader Ranil Wickremasinghe became prime minister.

An LTTE ceasefire offer led to a February 2002 permanent ceasefire accord (CFA), which prohibited political assassinations and recruitment of child soldiers but left

large chunks of territory under LTTE control. By December, the two sides had agreed to explore a political settlement based on a federal system. The LTTE suspended its participation in peace talks in April 2003, though it stated that it remained committed to a political solution and did offer some proposals regarding a self-governing mechanism for the areas under its control. The peace process was also constrained by infighting between the main political parties about how to approach the Tigers.

Kumaratunga called parliamentary elections in early 2004, and bolstered by the direct support of the Marxist JVP, her new PA-led United People's Freedom Alliance (UPFA) coalition won 105 out of 225 seats and formed a minority government. Apart from the JVP, other extremist and ethnic-based parties also made inroads, including a new party formed by Buddhist clergy, the National Heritage Party (JHU). The peace process was subsequently hampered by the addition of the JVP to the ruling coalition and by the presence of pro-Sinhalese forces such as the JHU in Parliament.

The ceasefire with the LTTE continued to hold, despite an increasing number of violations. A complicating element emerged in March 2004, when Colonel Karuna (the *nom de guerre* of Vinayagamoorthi Muralitharan), an LTTE commander in the east who controlled an estimated 6,000 out of the total 15,000 LTTE troops, formed a breakaway faction called the Tamil Makkal Viduthalai Pulikal (TMVP) and alleged discrimination in the treatment of eastern Tamils by the LTTE leadership. By 2006, the Karuna faction had become loosely allied with the government, which provided it with logistical support in exchange for valuable intelligence. As with the other parties in the conflict, the faction also engaged in killings, abductions, forced conscription, and other abuses against civilians.

Meanwhile, the Supreme Court had ruled in August 2005 that the presidential election, which Kumaratunga had tried to postpone, had to be held later that year. Largely as the result of an LTTE boycott and intimidation of voters, PA nominee Mahinda Rajapaksa, the prime minister, narrowly won the November presidential election with 50.3 percent of the vote, as opposed to 48.4 percent for Wickremasinghe. Calls for the vote to be rerun in certain areas were rejected by the election commission.

Rajapaksa's immediate political objectives were to consolidate his position within the party and his coalition's position within Parliament. A groundbreaking October 2006 memorandum of understanding between the SLFP and the UNP, under which the latter agreed to support the government in six key areas for two years, had collapsed by early 2007 after the ruling party urged UNP members to defect and join the government outright. Rajapaksa also cultivated a more authoritarian style of rule, relegating Parliament to a secondary role. According to a report by the Centre for Policy Alternatives (CPA), the president and his three brothers—who were appointed to head the ministries of Finance, Defense, Ports and Aviation, and Nation-Building—made all the crucial decisions and controlled most public spending, with the cabinet and other party stalwarts serving as implementers and advisers. Furthermore, the process by which a constitutional council nominates members of key independent commissions was sidestepped; the council itself was not reconstituted after the terms of its members expired, and in its absence, the president unilaterally appointed loyalists to official posts.

Several rounds of peace talks with the LTTE in 2006 accomplished little, and prospects for further talks dimmed in 2007 as consensus-building among the southern parties stalled, fighting with the LTTE—which had picked up substantially since

Rajapaksa's election—continued to escalate, and both sides engaged in targeted killings of key leaders. A pattern of daily attacks in the north and east resumed, punctuated by LTTE land-mine and suicide attacks throughout the country, and the government embarked on an aggressive campaign to recapture rebel-held territory.

Ground operations and largely indiscriminate aerial shelling by the Sri Lankan military killed hundreds of people and displaced tens of thousands; overall, some 300,000 civilians were newly displaced over the past three years. People's mobility and commercial and social activities were increasingly curtailed by curfews, road closures, and security checkpoints. All parties to the conflict engaged in human rights abuses, including civilian killings, abductions, detentions, political assassinations, child conscription, and extortion. Young Tamil males were most at risk of harassment by all sides. The drastic increase in abuses was accompanied by international observers' dwindling ability to track the situation, as the Sri Lankan Monitoring Mission (SLMM) was forced to reduce the scope of its activities and cut staff to approximately 30 monitors. Even outside the conflict areas, emergency and anti-terrorism legislation facilitated the detention of perceived security threats and critics of government policy.

Following the assassination of a UNP politician and a bomb explosion in a Colombo hotel in early January 2008, the government formally annulled the largely defunct ceasefire agreement with the LTTE. Bombings and other fighting then escalated sharply. A Tiger suicide attack killed the minister of highways and road development in April, while a huge blast in Anuradhapura in October targeted leading UNP politician Janaka Perera. Meanwhile, the government continued its military offensive, with the aim of eradicating the Tigers. After intense fighting in August, the armed forces made significant advances in the north, and further gains were made in November. Around 4,000 conflict deaths were reported annually in 2006 and 2007, but according to the South Asia Terrorism Portal, at least 11,144 people (including 404 civilians, 1,314 security force personnel, and 9,426 LTTE militants) were killed nationwide in 2008, making it the bloodiest year in the conflict to date.

The fierce fighting made the humanitarian crisis more acute, with tens of thousands of people, overwhelmingly Tamil civilians, newly displaced. In March 2008, the government began detaining civilians who fled rebel-held areas at special "welfare centers." Although authorities said the measure was intended to protect civilians from LTTE reprisals, it also allowed the army to screen the refugee population for LTTE infiltrators. International aid agencies, which had provided a large measure of support for the displaced, were asked to leave northern Sri Lanka in September.

As the open warfare continued in the north, the president in January 2008 jump-started the stalled work of the All-Party Representatives Committee (APRC), which had been convened early in his term to build political consensus on measures aimed at resolving ethnic grievances. The committee offered proposals for more thorough implementation of the 13th amendment to the constitution, which had set up a system of provincial councils and had also called for the establishment of "interim councils" to administer the North Eastern Province. However, analysts were not convinced that the proposals would adequately address long-standing Tamil grievances. The TMVP, the only Tamil party participating in the committee, pulled out in December, citing the deteriorating security situation in the east. The government also delayed the nominations process for the constitutional council, provided for by the

17th constitutional amendment. In March, the parliamentary group tasked with implementing the amendment announced proposed revisions that would allow the existing independent commissions to continue to function until new members could be appointed by a restored council.

Elections for a provincial council in the Eastern Province were held in May under tight security and with some allegations of violence and intimidation, as well as irregularities and rigging. Boosted by its alliance with the TMVP, the ruling UFPA alliance secured 20 of the 37 council seats. TMVP deputy leader Pillayan, who had assumed control of the group after Karuna's 2007 arrest in Britain for using a forged diplomatic passport, was sworn in as the province's first chief minister, prompting criticism in light of the TMVP's rebel past and its continued use of violence to intimidate political rivals. Although the elections marked a step toward resumed normalcy in the east, tensions continued to simmer between the province's political factions and ethnic groups. In late May, for example, several people were killed in Batticaloa in clashes that seemingly pitted Muslims against TMVP members. Internecine fighting between supporters of Pillayan and Karuna erupted in the fall, leading to additional violence.

In other provincial council elections held in September, convincing wins by the UFPA provided a boost to the government's war strategy. Although the polling day itself was relatively peaceful, the campaign period was reportedly marked by dozens of instances of election-related violence, as well as allegations that hundreds of Tamils were unable to vote because of problems with their identification papers.

### Political Rights and Civil Liberties:

Sri Lanka is an electoral democracy. The 1978 constitution vested strong executive powers in the president, who is directly elected for a six-year term and can dissolve Parliament. The prime minister heads the leading party in Parliament but otherwise has limited powers. The 225-member unicameral legislature is elected for a six-year term through a mixed proportional-representation system. Elections are open to multiple parties, and fair electoral laws and equal campaigning opportunities ensure a competitive political process.

While elections are generally free and fair, they continue to be marred by some irregularities, violence, and intimidation, and the LTTE generally refuses to allow free elections in areas under its control. The independent Center for Monitoring Election Violence reported that the 2004 parliamentary elections were considerably less beleaguered by violence and malpractice than previous polls. The European Union's Election Observation Mission noted that the 2005 presidential vote proceeded fairly smoothly in the south, despite some inappropriate use of state resources and biased reporting by both state-run and private media outlets. However, voting in the north was suppressed by the LTTE, which enforced a boycott through acts of violence including grenade attacks on polling stations and the buses intended to carry voters into government-controlled territory. Since the elections, intimidation by armed groups has dramatically reduced the space for nonviolent Tamil politics in the north and east, while the warlike situation has led to more muted opposition from southern political parties. President Mahinda Rajapaksa has faced persistent allegations—denied by the government but corroborated by former sup-

porters of the president—that his 2005 campaign colluded with and paid off the LTTE in order to suppress Tamil votes. In September 2007, Parliament opened an investigation into these claims, and the probe continued through the end of 2008. Provincial council elections held in the Eastern Province in May 2008 were accompanied by widespread reports of irregularities and intimidation by the TMVP, casting doubts on the credibility of the results, while those held in North Central and Sabaragamuwa provinces in August were acknowledged to be free and fair despite serious instances of preelection violence.

Governmental coherence has been improved by the fact that the executive and legislative branches are now controlled by the same party. Some observers charge that Rajapaksa's centralized, authoritarian style of rule has led to a lack of transparent, inclusive policy formulation. The power of the president and his three brothers—who control an estimated 70 percent of Sri Lanka's budget due to their cabinet positions—has led to increasing resentment among other party members during 2008.

The 17th amendment to the constitution was designed to improve governance and depoliticize key institutions by creating a constitutional council responsible for appointing members to independent commissions overseeing the police, the judiciary, and public servants. Owing to a parliamentary impasse, Rajapaksa failed to reconstitute the council in 2006 after the terms of its previous members expired. Instead, he made unilateral appointments to the public service and police commissions in April 2007, and to the human rights commission, judicial services commission, Supreme Court, and other judicial bodies in May of that year. Some local groups allege that these actions have threatened the independence of the institutions and created a class of appointees who owe their positions to the president.

Official corruption is a continuing concern, and the current legal and administrative framework is inadequate for promoting integrity and punishing corrupt behavior. Sri Lanka was ranked 92 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. Although hundreds of cases are under investigation or prosecution by the Commission to Investigate Allegations of Bribery or Corruption, no current or former politician has been sentenced.

Media freedom declined further in 2008, as outlets faced increased restrictions on covering the conflict and journalists encountered heightened attacks and intimidation, particularly in the north. Although freedom of expression is guaranteed in the constitution, a growing number of laws and regulations—including the Official Secrets Act, emergency regulations reintroduced in 2005, the Prevention of Terrorism Act (PTA), additional antiterrorism regulations introduced in December 2006, and defamation and contempt-of-court laws—restrict this right and have led to overt self-censorship by journalists. Senior journalist J. S. Tissainayagam was detained in March 2008, and after being held without charge for five months, he was indicted under the PTA, marking the first time the law was used against a journalist. While state-run media outlets have increasingly fallen under the influence of the government, private media have become more polarized. Official rhetoric toward journalists and outlets perceived to be "unpatriotic" or critical has grown more hostile, with high-level officials regularly making statements that equate any form of criticism with treason.

The sharp increase in violence since 2006 has severely affected journalists' ability to cover the news. The LTTE has terrorized a number of Tamil journalists and

other critics, while the Karuna faction and security forces have also been responsible for abuses. At least two journalists were killed and numerous others were attacked or otherwise intimidated during 2008. A number of Tamil newspapers have been banned or seized by various factions, and distributors have been attacked or warned not to sell certain papers; several independent outlets have closed due to threats. Journalists throughout Sri Lanka, particularly those who cover human rights or military issues, face intimidation from security forces and officials. State-controlled media, as well as the Defense Ministry website, are regularly used to smear individual journalists and other activists. As a result, levels of self-censorship have risen; in one case, prominent defense correspondent Iqbal Athas stopped writing his weekly column as a result of the verbal abuse. Journalists' ability to adequately cover the war has been increasingly restricted by bans on physical access to the conflict zones. Previous cases of attacks on journalists have not been adequately investigated or prosecuted. Internet access is generally not restricted, although the government occasionally blocks access to pro-LTTE websites.

Religious freedom is respected, and members of all faiths are generally allowed to worship freely, but the constitution gives special status to Buddhism and there is some discrimination and occasional violence against religious minorities. Tensions between the Buddhist majority and the Christian minority—and, in particular, evangelical Christian groups, who are accused of forced conversions—sporadically flare up into attacks against churches and individuals by Buddhist extremists. A JHU-sponsored Prohibition of Forcible Conversions bill remained under consideration by a parliamentary committee at year's end. The LTTE discriminates against Muslims and has attacked Buddhist sites in the past, and other ethnic Tamil factions such as the TMVP have also been accused of attacking Muslims in Eastern Province. In recent years, the minority Ahmadiyya Muslim sect has faced increased threats and attacks from members of the Sunni Muslim community, who accuse Ahmadis of being apostates, but this threat declined in 2008, according to the U.S. State Department's Report on International Religious Freedom.

The government generally respects academic freedom, and no official restrictions were reported in 2008. However, the LTTE has a record of silencing intellectuals who criticize its actions, sometimes through murder or other violence, and progovernment Tamil groups have also allegedly made threats.

Freedom of assembly is typically upheld. Although the 2005 emergency regulations give the president the power to restrict rallies and gatherings, permission for demonstrations is usually granted. Police occasionally use excessive force to disperse protesters. The LTTE does not allow freedom of association in its areas and reportedly forces civilians to attend pro-LTTE rallies. Several dozen nongovernmental organizations (NGOs) and humanitarian workers have been killed in recent years, including the August 2006 murder in Mutur of 17 local staff of the international group Action Against Hunger, allegedly by government forces. International staff of humanitarian groups were subject to new visa and work-permit regulations in 2006, and are occasionally barred from rebel-held areas; in September 2008 the defense secretary ordered international humanitarian groups to leave the Vanni area of the north. Over the past few years, human rights and pro-peace NGOs throughout the country, particularly those considered "unpatriotic" or unwilling to support the official line, have faced greater threats and harassment from authorities, includ-

ing assaults on their gatherings and a proposed parliamentary investigation into their activities.

Sri Lanka has a strong workers' rights tradition, with more than 1,500 trade unions registered. Most unions are independent and are legally allowed to engage in collective bargaining. Except for civil servants, most workers can hold strikes, but the 1989 Essential Services Act allows the president to declare a strike in any industry illegal. Even though more than 70 percent of the workforce on tea plantations is unionized, employers routinely violate the rights of the mainly Tamil workforce. The government has increased penalties for employing minors, and complaints involving child labor rose significantly in 2008. Nevertheless, thousands of children continue to be employed as domestic servants, and many face abuse.

Successive governments have respected the constitutional provision for an independent judiciary, and judges can generally make decisions without overt intimidation from the political branches. In recent years, there has been growing concern about the politicization of the judiciary, particularly with respect to the chief justice of the Supreme Court, Sarath Nanda Silva; during 2006, for example, there were several questionable rulings in favor of the government, and two senior Supreme Court judges resigned. However, in 2008, the Supreme Court exhibited greater independence and ruled against the executive in cases concerning detentions and other actions found to lack a solid legal basis. Corruption is fairly common in the lower courts, and those willing to pay bribes have better access to the legal system.

In November 2005, the new government transferred authority over the police force to the Ministry of Defense. Heightened political and military conflict beginning in 2006 has led to a sharp rise in the number of human rights abuses committed by security forces, including arbitrary arrest, extrajudicial executions, forced disappearances, torture, custodial rape, and prolonged detention without trial. Torture occurs in the context of the insurgency and during routine interrogations. Such practices are facilitated by emergency regulations reintroduced in 2005, under which detainees can be held for up to a year without trial. In December 2006, the government reinstated certain provisions of the Prevention of Terrorism Act, giving security personnel powers to arrest and detain suspects indefinitely without court approval. Additional legislation introduced later that month, the Prevention and Prohibition of Terrorism and Specified Terrorist Activities Regulations, was criticized for providing an overly broad definition of terrorism and granting immunity to those accused of rights abuses. These laws have been used to detain a wide variety of perceived critics, including political opponents, journalists, and members of civil society, as well as Tamil civilians suspected of supporting the LTTE. Most abuses take place in the conflict zones, particularly the Jaffna Peninsula, where extrajudicial killings occur on a nearly daily basis.

The National Human Rights Commission (NHRC) is empowered to investigate abuses but has traditionally suffered from insufficient authority and resources, and further encroachments on its independence by the executive have occurred in the past two years. A lack of aggressive prosecution of the majority of past abuses, coupled with inadequate protection for victims and witnesses, contributes to a climate of almost complete impunity. Since 2006, as a result of the continuing impasse over reconvening the constitutional council, appointments to key bodies such as the NHRC and the National Police Commission have been made unilaterally by the

executive branch, raising questions about the suitability and independence of the appointees and further weakening these institutions. In 2008, the NHRC's status was demoted by an international coordination body of human rights commissions as a result of its perceived lack of independence.

Largely in response to international censure, in 2006 the president re-established a Commission on Abductions, Disappearances, and Killings to investigate 16 high-profile cases of abuse, and in February 2007, he invited the previously formed International Independent Group of Eminent Persons (IIGEP) to assist and monitor the commission. After attempting to fulfill this mandate, in April 2008, the IIGEP decided to terminate its operations, alleging that the government had placed onerous restrictions on its activities. In November 2008, former justice Mahanama Tillekeratne—chairman of the Presidential Commission, which produces reports that are not made public—stated that at least 1,100 missing or abducted persons remained unaccounted for.

For years, the LTTE effectively controlled about 10 percent of Sri Lankan territory and operated a parallel administration that included schools, hospitals, courts, and law enforcement. It raised money through extortion of both local and overseas Tamils, kidnapping, theft, and the seizure of property. The LTTE imposed mandatory military and civil-defense training on civilians, and regularly carried out summary executions, assassinations, disappearances, arbitrary detentions, torture, and the conscription of children. During 2008, the Tigers' administrative control over territory in the north was all but destroyed; at year's end the rebels were fighting largely from jungle bases. Their recruitment efforts grew increasingly desperate as they lost both manpower and territory. According to anecdotal evidence, the LTTE resorted to paying families for recruits, and targeted even younger children. In addition, the TMVP has been accused of abducting hundreds of boys and young men, often with the complicity of security forces. A number of armed Tamil groups and criminal gangs also engage in kidnapping for ransom.

Tamils maintain that they face systematic discrimination in areas including government employment, university education, and access to justice. Legislation that replaced English with Sinhala as the official language in 1956 continues to disadvantage Tamils and other non-Sinhala speakers. Thousands of Tamils whose ancestors were brought from India to work as indentured laborers during the 19th century did not qualify for Sri Lankan citizenship and faced discrimination and exploitation. However, in 2003, Parliament granted citizenship to about 170,000 previously stateless "Indian" Tamils. Tensions between the three major ethnic groups (Sinhalese, Tamils, and Muslims) occasionally lead to violence, as occurred in Eastern Province in 2008. The government generally does not take adequate measures to prevent or contain such violence.

According to the Office of the UN High Commissioner for Refugees, there are more than 450,000 internally displaced persons (IDPs) in Sri Lanka, with tens of thousands newly displaced in 2008. While many of those displaced in the east returned to their homes following the end of fighting in that province, new rounds of displacement occurred as the battlefield shifted. The vast majority of IDPs are unwilling or unable to return to their homes, and live either with relatives or in government-run camps. A smaller number live as refugees in the southern Indian state of Tamil Nadu. The government has reportedly engaged in the forced resettlement of



Tamil IDPs to insecure areas. The general militarization of the conflict areas has led to serious restrictions on freedom of movement, as well as military control over many aspects of civilian administration. According to Human Rights Watch, following the collapse of the ceasefire accord, citizens from the north and east are once again required to obtain a pass to travel and live in other parts of the country. In June 2007, the government attempted to expel several hundred Tamil civilians from Colombo on the grounds that they had no "valid reason" for being in the capital; however, following a petition brought by CPA, the prominent think tank, the Supreme Court issued an interim order halting the process.

Women are underrepresented in politics and the civil service. Female employees in the private sector face some sexual harassment as well as discrimination in salary and promotion opportunities. Rape and domestic violence against women remain serious problems, with hundreds of complaints reported annually; authorities weakly enforce existing laws. Violence against women, including rapes, increased along with the general fighting in conflict areas during 2008. Although women have equal rights under civil and criminal law, matters related to the family—including marriage, divorce, child custody, and inheritance—are adjudicated under the customary law of each ethnic or religious group, and the application of these laws sometimes results in discrimination against women. The government remains committed to ensuring that children have good access to free education and health care, and it has also taken steps to prosecute those suspected of sex crimes against children.

## Sudan

**Population:** 39,400,000

**Capital:** Khartoum

**Political Rights:** 7

**Civil Liberties:** 7

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF

### Overview:

Violence escalated on multiple fronts in 2008, with fresh fighting between government and Southern Sudanese forces over the oil-rich Abyei region, renewed government attacks on rebel strongholds in Darfur, and a dramatic but unsuccessful May assault on the capital by Darfur rebels. The latter attack prompted authorities to arrest hundreds of suspected rebel supporters. In July, International Criminal Court prosecutors requested an arrest warrant for al-Bashir on charges of war crimes, crimes against humanity, and genocide, but the court's judges had yet to rule on the request at year's end. Tensions remained heightened throughout the year be-

**tween the government and the Sudan People's Liberation Movement, the main southern political force, despite a power-sharing agreement between the two sides as part of a 2005 peace agreement, which was sparked by controversy over the disputed oil-rich South Kordofan state. In December, the army sent troops to the disputed state, alleging that Darfur rebel groups were operating in the area.**

Sudan has been embroiled in nearly continuous civil wars since it gained independence from Britain and Egypt in 1956. Between 1956 and 1972, the Anyanya movement, representing mainly Christian and animist black Africans in southern Sudan, battled Arab Muslim-dominated government forces. In 1969, General Jafar Numeiri toppled an elected government and established a military dictatorship. The south gained extensive autonomy under a 1972 accord, and an uneasy peace prevailed for the next decade. In 1983, Numeiri restricted the south's autonomy and imposed Sharia (Islamic law), igniting a civil war that lasted until 2004 and caused the deaths of an estimated two million people and the displacement of millions more. Meanwhile, Numeiri was ousted in 1985, and a civilian government elected in 1986 was overthrown three years later by Lieutenant General Omar al-Bashir. Over the next decade, al-Bashir ruled with the support of senior Muslim clerics including Hassan al-Turabi, who served as leader of the ruling National Congress Party (NCP) and speaker of the National Assembly.

Tensions between al-Bashir and al-Turabi culminated in December 1999. On the eve of a parliamentary vote on a plan by al-Turabi to curb presidential powers, al-Bashir dissolved the legislature and declared a state of emergency. He fired al-Turabi as NCP head, replaced the cabinet with his own supporters, and held deeply flawed presidential and parliamentary elections in December 2000, which the NCP won overwhelmingly. Al-Turabi and his top supporters were arrested in February 2001 after he called for a national uprising against the government and signed a memorandum of understanding with the Sudan People's Liberation Army (SPLA), the main southern rebel group, which became known as the Sudan People's Liberation Movement (SPLM) after 2005. In May 2001, al-Turabi and four aides were charged with conspiracy to overthrow the government; al-Turabi was placed under house arrest and eventually released in October 2003. In March 2004, authorities again placed him under house arrest, this time on suspicion of plotting a coup with sympathizers of rebel groups in the western region of Darfur.

By sidelining al-Turabi, who was considered a leading force behind Sudan's efforts to export Islamic extremism, al-Bashir began to lift Sudan out of international isolation. The government also focused on ending its long-running conflict with the SPLA. After intense negotiations, the two sides signed the Comprehensive Peace Agreement (CPA) in January 2005. The pact included provisions for power sharing, with the NCP retaining a slight majority in the parliament, as well as measures to share the state oil revenues that had helped to fuel the conflict. The CPA also called for a referendum on southern independence to be held after a six-year transitional period, during which the government was obliged to withdraw 80 percent of its troops stationed in the south. However, the agreement failed to address human rights abuses committed by both sides, and it left the status and boundaries of the oil-rich Abyei region undecided. Moreover, in a serious disruption to the pact's implementation, longtime SPLM leader John Garang died in an August 2005 helicopter crash, just 20

days after he was sworn in as first vice president under an interim constitution. The incident sparked riots by supporters who suspected that the crash was not an accident, leading to at least 130 deaths and some 2,000 arrests. Garang's deputy, Salva Kiir, replaced him as SPLM leader and first vice president.

In 2007, the SPLM warned that the CPA was near collapse, accusing the NCP of reneging on its terms. One point of controversy was al-Bashir's refusal to recognize a special panel's decision to place the Abyei region within autonomous Southern Sudan. Fighting between the SPLM and Arab Misseriya militias, which the government was suspected of backing, erupted in Abyei in December 2007 and continued intermittently through April 2008, leaving scores of people dead. In May, the SPLM attacked Sudanese army installations in the region, and the ensuing fighting displaced as many as 50,000 people. Representatives from the north and south in June signed the "Abyei Roadmap," which called for the withdrawal of troops and joint patrols, but the subsequent withdrawals were slow. In December, the Sudan Armed Forces sent troops into the disputed oil-rich Southern Kordofan state, which it claimed was necessary to counter a planned attack by the Justice and Equality Movement (JEM), a major Darfur rebel group; the SPLM criticized the deployment as a violation of the 2005 peace agreement.

As the north-south peace effort moved forward, the separate conflict in Darfur had been escalating. It had begun in 2003 when rebel forces—drawn from Muslim but non-Arab ethnic groups—attacked Sudanese military positions, complaining of discrimination by the Arab-dominated government. In early 2004, government-supported Arab militias known as *janjaweed* began torching villages, massacring the inhabitants, slaughtering and stealing livestock, and raping women and girls. The military also bombed settlements from the air. Millions of civilians were displaced by the violence. Although the African Union (AU) deployed a force to monitor an April 2004 ceasefire between the government and two of the main rebel groups, it remained underfunded and was not authorized to intervene directly in the fighting. The scale of the killing and displacement led to accusations of genocide by international human rights groups. While a special commission's report to the UN Security Council in January 2005 stated that the mass killings and rape fell short of genocide, it requested that the case be referred to the International Criminal Court (ICC).

In May 2006, the government signed a peace agreement with a faction of the Sudan Liberation Army, one of the western region's rebel groups. All the other major rebel groups refused to sign the pact. Sudan finally agreed to allow UN peacekeepers to replace the beleaguered AU force in February 2007, but deployments stalled due to Sudanese obstruction and contributing countries' reluctance to commit troops and key equipment. Also during 2007, the ICC charged Ahmed Haroun, a Sudanese official, with almost two dozen crimes, including crimes against humanity; he was subsequently appointed as a cabinet minister.

Despite peace efforts, violence escalated in Darfur during 2008. Between January and May, the military and allied militias carried out air and ground attacks against suspected rebel strongholds. Human rights groups contended that the attacks were indiscriminate and destroyed entire villages, killing hundreds of people and displacing over 30,000. On May 10, members of the JEM launched an attack on Khartoum that was intended to oust al-Bashir, but it was repulsed on the city's outskirts. In

response to the threat, the government established special courts to try suspected rebel supporters, and as many as 38 people received death sentences in allegedly flawed trials. Meanwhile, heavy fighting continued in Darfur. In July, ICC prosecutors requested an arrest warrant for al-Bashir on charges of war crimes, crimes against humanity, and genocide, but the court's judges had yet to rule on the request at year's end. According to UN sources, as many as 300,000 people had died in Darfur over the previous five years, from fighting as well as disease and hunger.

Sudan's relatively weak economy, which had benefited from high oil prices in recent years, slowed in 2008 due to a drop in prices late in the year and declining production in the country's older fields. The United States and many of its allies have imposed sanctions on Sudanese companies and officials due to the Darfur conflict, but China, one of Sudan's main trading partners, continues to violate a UN arms embargo by supplying the government with military equipment and training.

Sudan's relations with neighboring Chad remained tense in 2008. The two sides signed a deal in March pledging to avoid interference in each other's civil conflicts, but Sudan cut diplomatic ties with Chad following the May attack on Khartoum.

### **Political Rights and Civil Liberties:**

Sudan is not an electoral democracy. The last national elections in 2000 were boycotted by major opposition parties, and the European Union refused an invitation to monitor the balloting. President Omar al-Bashir and his NCP won easily, and the NCP remained dominant until the peace agreement with the SPLA was implemented in 2005. The SPLM—the SPLA's postconflict political incarnation—and the existing Sudanese government formed a joint transitional administration, with the SPLM leader as first vice president. Nine of Sudan's 30 cabinet ministries are now headed by members of the SPLM. The joint presidency appointed members of the 450-seat lower house of parliament, the National Assembly, with the NCP holding 52 percent, the SPLM controlling 28 percent, and the remaining seats divided among other northern and southern parties. The parliament's upper house is the Council of States, which is made up of 50 members indirectly elected by state legislatures. Although the current members of parliament were appointed, members of both chambers would serve five-year terms after the next elections, scheduled for 2009.

In keeping with the CPA, a census launched in April 2008 will be used to determine electoral districts and verify revenue and power-sharing arrangements between north and south. Nevertheless, southern leaders have asserted that the census results will not be binding, and the process has been boycotted by Darfur rebels. In July, the parliament approved an election law whereby 60 percent of the lower house's seats will be allocated by a majoritarian system, and 40 percent will be elected by proportional representation; 25 percent of the proportionally elected seats will be reserved for women, with the remainder open to other candidates. In order to present a united front against al-Bashir, who was expected to run for reelection, representatives of the SPLM met with the JEM as well as former rebels based in eastern Sudan during 2008.

Sudan is one of the world's most corrupt states. It was ranked 173 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The 2005 interim constitution recognized freedom of the press, and there were

some improvements in practice after the signing of the CPA, but the news media continue to face significant obstacles. The 2004 Press and Printed Material Act introduced a number of restrictions that remain in effect. In 2008, the authorities cracked down on private media amid tensions with Chad and the May rebel attack on the capital. The government imposed prepublication censorship for private media in February, following accusations that the government had supported rebels seeking to overthrow the Chadian president. Several journalists were detained during the year, and security officials raided the offices of a number of private papers. Journalists launched a hunger strike in November to protest the rise in censorship.

The National Press Council, which is dominated by government appointees, licenses newspapers and monitors journalists. Numerous privately owned dailies and weeklies reflect a range of views, including those of the opposition and the Southern Sudanese government. The Ministry of Information tightly controls the broadcast media. While some private radio stations operate in Khartoum and the south, the government monitors programming for objectionable material. The state controls the only television broadcaster. Internet penetration is among the highest in sub-Saharan Africa, but is limited to urban areas. The government monitors e-mail messages and blocks sites with pornographic content. Most news sites are not affected, but in August 2008, authorities blocked the YouTube video-sharing service after videos circulated on the site showed abuses by security forces against suspected JEM rebels.

Press freedom conditions in autonomous Southern Sudan are generally better than in areas controlled directly by Khartoum, and journalists have more leeway to criticize government policies. Nevertheless, authorities suspended the licenses of two English-language papers based in the south, the *Citizen* and the *Sudan Tribune*, which have been critical of the national government. The *Tribune's* suspension was eventually lifted.

Religious freedom is guaranteed by the 2005 interim constitution. Islam was previously the state religion, and Sharia was regarded as the source of legislation. Sudan's northern states, which are predominantly Sunni Muslim, are still subject to Sharia, unlike those in the south, which are predominantly Christian and animist. The Christian minority in the north faces discrimination and harassment, and permits to build churches there are sometimes denied. Under the 1994 Societies Registration Act, religious groups must register in order to legally assemble, and registration is reportedly difficult to obtain. The north-south conflict was characterized as jihad by the government, and in some cases non-Muslims were forced to convert to Islam.

Respect for academic freedom is limited. The government administers public universities and is responsible for determining the curriculum. Authorities do not directly control private universities, which have served as forums for debate about critical issues, but self-censorship among instructors is common. Both the Ministry of Higher Education and the Ministry of Education are headed by SPLM members.

Conditions for nongovernmental organizations have deteriorated considerably in recent years due to government hostility toward groups that criticize its policies in Darfur as well as violence that threatens humanitarian activities in both Darfur and the south. In June 2008, authorities expelled the head of the Dutch branch of Doctors Without Borders (MSF) from Darfur. UN reports indicated that as of late

November, 11 humanitarian workers in Darfur had been killed, 189 had been kidnapped, and over 250 vehicles had been hijacked. Hijackings of World Food Programme convoys in Darfur and the south have hindered aid deliveries, and insecurity in Northern Darfur state forced MSF to temporarily cease operations there in August, eliminating medical services for tens of thousands of people.

Trade union rights are limited. While unions were politically active prior to al-Bashir's seizure of power in 1989, they have since been effectively destroyed. The Sudan Workers Trade Unions Federation has been co-opted by the government and is not a credible, independent advocate of workers' interests. Strikes are essentially illegal, as the required government approval has never been granted.

The judiciary is not independent. Lower courts provide some due process safeguards, but the higher courts are subject to political control, and special security and military courts do not apply accepted legal standards. In response to the ICC investigation into crimes committed in Darfur, the government created the Special Courts for Darfur; their credibility has been challenged by legal experts. Sudanese criminal law is based on Sharia and allows punishments such as flogging and amputation, although such laws apply only to northern, Muslim states. Police and security forces practice arbitrary arrest and torture with impunity, and prison conditions do not meet international standards. Under the CPA, the government created the National Judicial Service Commission (NJSC) to manage the judicial system; coordinate the relationships between judiciaries at the national, Southern Sudan, and state levels; and oversee the appointment, approval, and dismissal of judges. Nevertheless, the NJSC is subject to government pressure.

It is widely accepted that the government has directed and assisted the systematic killing of tens or even hundreds of thousands of people in Darfur since 2003, including through its support for militia groups that have terrorized civilians. Human rights groups have also gathered a great deal of evidence on the widespread use of rape in the conflict.

Female politicians and activists play a role in public life, but they face extensive legal and societal discrimination. Islamic law denies northern women equitable rights in marriage, inheritance, and divorce. Female genital mutilation is widely practiced in both the north and the south. Sudan has not ratified the international Convention on the Eradication of All Forms of Discrimination Against Women, arguing that it contradicts Sudanese values and traditions. The U.S. State Department considers Sudan to be a source, transit, and destination country for persons trafficked for forced labor and sexual exploitation. Legislation does not criminalize all forms of human trafficking, and enforcement of existing laws is weak. The Sudanese military, Darfur rebel groups, the South Sudan Defense Forces, and janjaweed continue to use child soldiers.

## Suriname

**Population:** 500,000  
**Capital:** Paramaribo

**Political Rights:** 2  
**Civil Liberties:** 2  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,3PF	1,2F	1,2F	1,2F	1,2F	1,2F	2,2F	2,2F	2,2F	2,2F

### Overview:

The trial of opposition politician and former coup leader Desi Bouterse for the "December murders" of 15 political opponents in 1982 continued to dominate Suriname's political debate in 2008. Meanwhile, President Ronald Venetiaan clashed with opposition leaders over economic policies and rising economic uncertainty.

The Republic of Suriname achieved independence from the Netherlands in 1975, after more than three centuries of colonial rule. In 1980, a military coup led by Desi Bouterse established a regime that brutally suppressed civic and political opposition and initiated a decade of military intervention in politics. In 1987, Bouterse permitted elections that were won handily by the center-right New Front for Democracy and Development (NF), a coalition of mainly East Indian, Creole, and Javanese parties. The National Democratic Party (NDP), organized by the military, won just three out of 51 seats in the National Assembly.

The army ousted the elected government in 1990, and Bouterse again took power in a bloodless coup. International pressure led to new elections in 1991. The NF won a majority in parliament, and the NF's candidate, Ronald Venetiaan, was selected as president. Bouterse quit the army in 1992 in order to lead the NDP. In the May 2000 legislative elections, the NF again secured a strong majority of National Assembly seats.

In May 2001, Fred Derby—the star witness in the trial of Bouterse and others for 15 political killings committed in December 1982—suffered a fatal heart attack that initially appeared to rob the prosecution of key testimony. However, the government vowed that testimony given by Derby during a preliminary hearing would be submitted at trial.

In 2004, the NF government's fiscal austerity program helped to stabilize prices and the economy generally, but there were signs that the policy's negative side effects had increased voter discontent. In the 2005 elections, the NF managed to remain the single largest political force, winning 41 percent of the vote, although its failure to win a two-thirds majority in the National Assembly prevented it from electing a president. In August, a United People's Assembly consisting of 891 members—including national, regional, and local lawmakers—gave Venetiaan his third

term as president, with 560 votes for the incumbent and 315 for the NDP candidate, Rabindre Parmessar.

Former minister of public works Dewanand Balesar was put on trial for corruption in June 2006, having been stripped of his immunity by the National Assembly in 2005. He was charged with awarding more than 30 fraudulent contracts worth a total of about US\$36,000 to friends, family, and party loyalists, and he was thought to be the leader of a national corruption ring. In late 2008, Balesar was sentenced to jail for two years under charges of forgery, fraud, and conspiracy to commit theft and was banned from holding a public office for a period of five years. In August 2007, police arrested two suspects in a corruption probe of the Ministry of Finance. In response, Venetiaan criticized the parliament for not putting his anticorruption bill on the agenda, but the scandal cut into his popular support.

In 2007, Suriname's courts ordered officials to proceed with the long-delayed prosecution of Bouterse and nine other suspects for the 1982 "December murders." Bouterse has denied any involvement in the killings, although in March 2007, he accepted political responsibility for the slayings while offering a public apology. The trial, which is regarded as a landmark test of Suriname's judicial system, began in November and dominated political debate throughout 2008, though no conclusion was reached by year's end. The trial has been delayed repeatedly, most recently due to the failure of several witnesses to appear in court. Bouterse and the other accused could face 20 years in jail if found guilty. Testimony is scheduled to resume in April 2009.

Falling commodity prices and the onset of a global economic slowdown hampered Suriname's growth in 2008. The economic downturn and resulting rise in economic insecurity sparked clashes between President Ronald Venetiaan and opposition leaders.

### Political Rights and Civil Liberties:

Suriname is an electoral democracy. The 1987 constitution provides for a unicameral, 51-seat National Assembly, elected by proportional representation to five-year terms. The body elects the president to five-year terms with a two-thirds majority. If it is unable to do so, a United People's Assembly—consisting of lawmakers from the national, regional, and local levels—convenes to choose the president by a simple majority. A Council of State (Raad van State) made up of the president and representatives of major societal groupings—including labor unions, business, the military, and the legislature—has veto power over legislation deemed to violate the constitution.

Political parties largely reflect the cleavages in Suriname's ethnically diverse society, although political-racial discord is much less acute than in neighboring Guyana. Suriname's major parties include the NDP, the National Party Suriname (NPS), and the People's Alliance for Progress (VVP). The current administration has support from the NF, a political alliance of which the NPS is a leading member.

While no major cases of government corruption were reported in 2008, organized crime and drug networks continue to hamper governance. Suriname was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution provides for freedom of expression and of the press, and the



government generally respects these rights in practice. However, some media outlets engage in occasional self-censorship due to fear of reprisal from members of the former military leadership or pressure from senior government officials and others who object to critical stories about the administration. In June 2007, Suriname's vice president personally intervened to prevent a state television program from broadcasting a discussion on China and Taiwan, prompting cries of censorship. There are two privately owned daily newspapers, *De Ware Tijd* and *De West*. A number of small commercial radio stations compete with the government-owned radio and television broadcasting systems, resulting in a generally pluralistic range of viewpoints. Public access to government information is recognized in law, although it is very limited in practice. In 2008, the trial of Desi Bouterse for the "December 15" murders was widely covered by the local press and gained some international attention. The government does not restrict access to the internet.

The authorities generally respect freedom of religion and do not infringe on academic freedom.

Freedoms of assembly and association are provided for in the constitution, and the government respects these rights in practice. Although civic institutions remain weak, human rights organizations function freely. Workers can join independent trade unions, and the labor movement is active in politics. Collective bargaining is legal and conducted fairly widely. Civil servants have no legal right to strike.

The judiciary is susceptible to political influence and suffers from a significant shortage of judges and a large backlog of cases. The courts and prisons are seriously overburdened by the volume of people detained for narcotics trafficking. Police abuse detainees, particularly during arrests, and prison guards mistreat inmates. Military personnel generally are not subject to civilian criminal law. In 2008, Suriname continued to move forward with the process of joining the appellate jurisdiction of the new Caribbean Court of Justice, which was established to serve as a final venue of appeal for member states of the Caribbean Community (CARICOM). Suriname is a major transit point for cocaine en route to Europe, and poor law enforcement capabilities resulted in a rising tide of drug money entering the country.

Discrimination against indigenous and tribal groups is widespread, and Surinamese law offers such groups no special protection or recognition. As a result, Amerindians, who live mostly outside urban areas, have only a marginal ability to participate in decisions affecting their lands, cultures, traditions, and natural resources. Tribal people known as Maroons are the descendants of escaped African slaves who formed autonomous communities in the interior during the 17th and 18th centuries. Their rights to lands and resources, cultural integrity, and the autonomous administration of their affairs are not recognized in Surinamese law.

Constitutional guarantees of gender equality are not enforced. Several organizations specifically address violence against women and related issues. Despite their central role in agriculture and food production, 60 percent of rural women, particularly those in tribal communities, live below the poverty level. Trafficking in persons remains a problem, and the country lacks a comprehensive law specifically banning the practice. The U.S. State Department's 2008 Trafficking in Persons Report categorized Suriname as a Tier 2 country, indicating that it had serious problems but was making efforts to meet minimum standards.

## Swaziland

**Population:** 1,100,000

**Capital:** Mbabane

**Political Rights:** 7

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	7,5NF	7,5NF	7,5NF	7,5NF	7,5NF	7,5NF

### Overview:

In November 2008, Swaziland held the country's first parliamentary elections under its 2006 constitution. While the vote was peaceful, political parties remained banned and the legislature was unable to initiate legislation. Antigovernment violence and an ongoing crackdown on the opposition worsened in 2008, and the country saw its worst labor strife in decades.

Swaziland regained its independence from Britain in 1968, and an elected Parliament was added to the traditional monarchy. In 1973, King Sobhuza II repealed the 1968 constitution, ended the multiparty system in favor of the *tinkhundla* (local council) system, and declared himself absolute monarch. After Sobhuza's death in 1982, a protracted power struggle led to King Mswati III's accession to the throne in 1986.

A new constitution was implemented in 2006. While it removed the king's ability to rule by decree, it reaffirmed his absolute authority over the cabinet, Parliament, and the judiciary. It also maintained the *tinkhundla* system—in which local chiefs control elections for 55 seats in the House of Assembly—and did not overturn a ban on political parties. The charter provided for limited freedoms of speech, assembly, and association, as well as limited equality for women, but the king could suspend those rights at his discretion.

After a series of bombings in 2005, security forces arrested members of the prodemocracy People's United Democratic Movement (PUDEMO) in 2006, charging 16 members—including Secretary General Bonginkosi Dlamini—with treason, attempted murder, and malicious damage to government property. The suspects were later freed on bail. During 2008, there were over 10 bomb attacks on government targets, although no government officials or civilians were killed. In September, a bomb blast destroyed a road bridge near King Mswati's palace in Lozitha; while no group claimed responsibility for the blast, one of the bombers, who died at the scene, was a member of PUDEMO. The government later banned PUDEMO, along with four other groups, by way of the newly enacted 2008 Suppression of Terrorism Act, and arrested PUDEMO's head, Mario Masuku.

In November 2008, Swazis voted in elections for 55 of the 65 seats in the lower

House of Assembly. While the voting was peaceful and transparent, the elections were essentially meaningless. Not only were candidates required to run as independents after vetting by local chiefs, but the Swazi legislature is virtually powerless, and members of Parliament are unable to initiate legislation. Prodemocracy groups, led by PUDEMO, boycotted the election.

Crop production improved in 2008, though 20 percent of the population still requires food aid. The country has the world's highest rate of HIV infection: estimates range from 26 to 33.4 percent of the sexually active population. In 2007, the government pledged to double the number of Swazis receiving antiretroviral (ARV) drug treatment; in 2008, only about 25,000 Swazis received such treatment out of an estimated 62,000 who require them. Swaziland also has the highest rate of tuberculosis infection. That disease, aggravated by HIV/AIDS, remains the country's leading cause of death.

**Political Rights and Civil Liberties:** Swaziland is not an electoral democracy. King Mswati III is an absolute monarch with ultimate authority over the cabinet, legislature, and judiciary. Of the House of Assembly's 65 members, 55 are elected by popular vote within the tinkhundla system, and the king appoints 10. The king also appoints 20 members of the 30-seat Senate, with the remainder selected by the House of Assembly. Legislators are not allowed to initiate legislation. Members of both houses serve five-year terms. Traditional chiefs govern designated localities and typically report directly to the king.

Political parties are banned, but there are political associations, the two largest being PUDEMO and the Ngwane National Liberatory Congress (NNLC), although PUDEMO was declared a terrorist organization in 2008. The new constitution does not explicitly overturn—or even mention—the 1973 ban on political parties.

Corruption is a major problem. The monarchy spends lavishly despite the largely impoverished population, and members of Parliament engage in fraud and graft. In August 2008, news that 8 of the king's 13 wives and their entourages took expensive vacations in the Middle East and Asia spurred protests. The large public sector belies the actual delivery of services; in 2006-07, 45 percent of the national budget was allocated to paying public sector salaries. In 2006, Mswati signed legislation enabling the Anti-Corruption Unit, established nearly 10 years earlier, to seize assets and enforce penalties on both bribe payers and bribe takers. However, the government mandated a "public education campaign" before the new rules could be applied. Swaziland was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is severely restricted in practice, especially regarding political issues or the royal family. The king may suspend constitutional rights to free expression at his discretion. Publishing criticism of the monarchy is banned, and self-censorship is widespread, as journalists are subject to intimidation by the authorities. While several defamation lawsuits were launched in 2008, some were dismissed. In September, the Swazi police uncovered a plot to bomb the state-owned *Swazi Observer* newspaper. The Swazi attorney general in November threatened critical journalists with arrest under the 2008 Suppression of Terrorism Act. South Africa media are available, and both the *Swazi Observer* and independent *Times of Swaziland* newspapers occasionally criticize the government. The only indepen-

dent radio station broadcasts religious programming. The government does not restrict access to the internet, but few Swazis can afford access.

Freedom of religion is respected in practice but not explicitly protected in the constitution. Academic freedom is limited by self-censorship. While Swazis criticize the government in private discussions, they are less free to criticize the monarchy itself.

The government has restricted freedoms of assembly and association, and permission to hold political gatherings has often been denied. Although freedom of association is enshrined in the constitution, prodemocracy protesters are routinely dispersed and arrested by police. In the midst of the slew of bomb attacks on state targets in 2008, the government banned marches and demonstrations, and police used force to break up demonstrations throughout the year. In September, thousands of Swazis participated in a protest urging democratic reform, while there were smaller demonstrations during the previous month over the allocation of government spending. In 2005, the government issued guidelines for the creation, registration, and operation of nongovernmental organizations (NGOs), a longtime goal of local groups. An umbrella body of approved NGOs is allowed to submit reports on some legislation, including budgets. In 2008, the government prohibited the Southern African Social Forum from holding an October meeting in Manzini. The High Court, however, overturned the prohibition, and the meeting went ahead.

Swaziland has active labor unions, and the Swaziland Federation of Trade Unions (SFTU), the largest labor organization, has led demands for democratization. However, government pressure—including the repeated arrest of SFTU leader Jan Sithole—has greatly limited union operations. Workers in all areas of the economy, including the public sector, can join unions, and 80 percent of the private workforce is unionized. The year 2008 saw Swaziland's worst labor unrest for decades, with public transport workers and textile workers both staging large strikes in March. The strikes were violently dispersed by security forces, who used rubber bullets and tear gas and allegedly beat textile workers. Some of the strikers vandalized Asian-owned shops; Swaziland's textile factories are Taiwanese-owned.

A dual judicial system includes courts based on Roman-Dutch law and traditional courts using customary law. The judiciary is independent in most civil cases, although the king has ultimate judicial powers, and the royal family and government often refuse to respect rulings with which they disagree. The Swazi High Court made several notable antigovernment rulings in 2008, including granting a stay of execution for a US\$15,000 defamation penalty levied on *The Nation* magazine, and overturning the government's prohibition of a Southern African Social Forum meeting in October.

According to the U.S. State Department, there were numerous incidents of police torture, beatings, and suspicious deaths in custody in 2008. Security forces generally operate with impunity. In the last four months of 2008, the army was deployed to man checkpoints throughout the country due to unrest, and new army camps were set up in parts of northern Swaziland believed to be sympathetic to PUDEMO. Prisons are overcrowded, and inmates are subject to torture, beatings, rape, and a lack of sanitation. While the new constitution prohibits torture, the ban is not enforceable in court. The spread of HIV/AIDS is a major problem in Swazi prisons.

The new constitution grants women adult status and equal rights. However,

women's rights are still very restricted in practice. While both the legal code and customary law provide some protection against gender-based violence, it is common and often tolerated with impunity. In 2007, a survey found that one-third of Swazi women had been subjected to sexual violence and two-thirds had been beaten or abused. A 2006 bill mandating tough punishments for domestic violence was still pending at the end of 2008.

## Sweden

**Population:** 9,200,000

**Capital:** Stockholm

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Sweden broadened its efforts throughout 2008 to fight discrimination. In March, the government proposed a new law to Parliament to prevent discrimination on the basis of age and sexual identity, and in July, an Equality Ombudsman was appointed to oversee existing antidiscrimination efforts. After widespread protests over a new eavesdropping law that was passed in June, the government revised it in September.

After centuries of wars and monarchical unions with its neighbors, Sweden emerged as a liberal constitutional monarchy in the 19th century. Norway ended its union with the country in 1905, leaving Sweden with its current borders. Its tradition of neutrality, beginning with World War I, was altered somewhat by its admission to the European Union (EU) in 1995 and was further eroded by a more pragmatic approach to security presented in 2002. However, Sweden has continued to avoid military alliances, including NATO.

Voters rejected the adoption of the EU's euro currency in a September 2003 referendum, despite strong support from government and business leaders. The "no" vote was attributed to skepticism about the EU and fears regarding the possible deterioration of welfare benefits and damage to the economy. Just days before the referendum, Foreign Minister Anna Lindh was killed in a knife attack in Stockholm. Her killer, Mijailo Mijailovic, was sentenced to life in prison.

In the September 2006 parliamentary elections, a four-party, center-right alliance headed by Fredrik Reinfeldt of the Moderate Party defeated the Social Democratic Party, which had been in power for 12 years and all but 10 of the previous 89 years. The Social Democrats won 130 seats in the latest balloting. The Moderates took 97

seats; the Center Party, 29 seats; the Liberal Party, 28 seats; the Christian Democrats, 24 seats; the Left Party, 22 seats; and the Greens, 19 seats. High unemployment was a major issue in the 2006 elections.

Sweden broadened its antidiscrimination efforts throughout 2008. In July, Katri Linna was appointed to the newly created Equality Ombudsman position to lead the country's new antidiscrimination authority. The Equality Ombudsman will oversee efforts to prevent discrimination on the basis of gender, ethnicity, disability, and sexual orientation, which are currently overseen by four separate ombudsmen. In March, the government proposed a new law to Parliament to add age and sexual identity to the list of protected areas, which are expected to fall under the jurisdiction of the Equality Ombudsman in 2009.

Parliament passed a law in June that would give the government surveillance agency the authority to tap international phone calls, e-mails, and faxes without a court order. Following widespread public protest, the law was changed in September to allow eavesdropping only in cases where external military threats were suspected.

### Political Rights and Civil Liberties:

Sweden is an electoral democracy. The unicameral Parliament, the Riksdag, has 349 members elected every four years by proportional representation. A party must receive at least 4 percent of the vote nationwide or 12 percent in 1 of the 29 electoral districts to win representation. The prime minister is appointed by the speaker of the Riksdag and confirmed by the body as a whole. King Carl XVI Gustaf, crowned in 1973, is the largely ceremonial head of state.

Seven political parties are currently represented in the Riksdag. The largest is the Social Democratic Party, also known as the Workers' Party, which ruled for most of the last century with the aid of the Left Party and the Green Party. Other parties include the Moderates, the center-right Liberals, the Christian Democrats, and the Center Party, which focuses on rural issues.

The principal religious, ethnic, and immigrant groups are represented in Parliament. Since 1993, the indigenous Sami community has elected its own parliament, which has significant powers over community education and culture and serves as an advisory body to the government.

Corruption rates are very low in Sweden, which was ranked with Denmark and New Zealand as the least corrupt out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index. However, there have been political scandals in recent years. Liberal Party secretary Johan Jakobsson resigned after it was revealed that the Liberals had repeatedly hacked into the computer systems of the incumbent Social Democratic Party in early 2006 to obtain campaign strategy secrets. Jakobsson admitted that he had learned about the activity but did little to stop or expose it.

Freedom of speech is guaranteed by law, and the country has one of the most robust freedom of information statutes in the world. However, hate-speech laws prohibit threats or expressions of contempt based on race, color, national or ethnic origin, religious belief, or sexual orientation. Sweden's media are independent. Most newspapers and periodicals are privately owned, and the government subsidizes daily newspapers regardless of their political affiliation. Public broadcasters air weekly radio and television programs in several immigrant languages. The ethnic press is

entitled to the same subsidies as the Swedish-language press. Press freedom faced some challenges, however, during the year. The editor of *Ostgota Correspondenten*, Ola Sigvardsson, received death threats in March 2008 following the paper's printing of an image possibly offensive towards Christians. Later that month, a man was fined US\$650 for carrying a placard that insulted immigrants at an antiracism rally in Angelholm. Also in March, several reporters and photographers were prevented by youths from covering a murder in the suburbs of Goteborg; one photographer was beaten and forced to leave his equipment behind.

Religious freedom is constitutionally guaranteed. Although the population is 87 percent Lutheran, all churches, as well as synagogues and mosques, receive some state financial support. According to the U.S. State Department, several instances of discrimination toward Muslim women wearing veils occurred during the year. Academic freedom is ensured for all.

Freedoms of assembly and association are guaranteed, as are the rights to strike and organize in labor unions. Domestic and international human rights groups generally operate without government restrictions. Trade union federations are strong and well organized, representing about 80 percent of the workforce.

The judiciary is independent. Swedish courts are allowed to try suspects for genocide committed abroad. The government maintains effective control of the police and armed forces. Swedish prisons generally meet international standards, although overcrowding and lengthy pretrial detentions sometimes occur. In 2003, Sweden passed a hate-crimes law that addressed attacks against homosexuals and covered hate speech.

Sweden was ranked at the top of the Migrant Integration Policy Index in 2007. However, the country changed its immigration policy in 2007, disallowing family reunification for "quota refugees." Family members will now have to apply separately for visas. After an influx of Iraqi refugees in 2006, Sweden also made it more difficult for Iraqis to seek asylum in 2007 by requiring them to cite specific threats of violence. In 2008, only 40 percent of Iraqi asylum seekers were granted refugee status, compared to 90 percent in 2007. In May 2008, a law was proposed to make it easier for non-EU citizens to obtain work permits.

The state gave formal recognition to adoption by gay couples for the first time in 2003. In 2005, the country granted lesbian couples the same rights regarding artificial insemination and in vitro fertilization as heterosexual couples.

Sweden is a global leader in gender equality. Some 47 percent of Riksdag members are female, and half of government ministers are women. Although 80 percent of women work outside of the home, they still earn only 70 percent of men's wages in the public sector and 76 percent in the private sector. In June 2008, the telecommunications giant Ericsson was forced to raise the salary of 100 female employees who were found to be paid less than their male counterparts. The country is a destination and transit point for trafficking in persons, particularly women and children, for sexual exploitation. The 2004 Aliens Act helped to provide more assistance to trafficking victims, and a "special ambassador" has been appointed to aid in combating human trafficking.

# Switzerland

**Population:** 7,600,000

**Capital:** Bern

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

The fallout from the October 2007 parliamentary elections continued to reverberate in Switzerland throughout 2008. Although the right-wing Swiss People's Party (SVP) won the largest percentage of votes, it was kept out of government for the first time in decades. The SVP's two members in the seven-member cabinet joined a new party, the Bourgeois Democratic Party, which announced its intent to compete nationally in future elections. However, the SVP rejoined the cabinet in December, with one minister, after a frustrating year in opposition.

Switzerland, which has existed as a confederation of cantons since 1291, emerged with its current borders at the end of the Napoleonic wars in 1815, when its tradition of neutrality was also confirmed. The country's four official ethnic communities are based on language: German, French, Italian, and Romansh (the smallest community).

Switzerland remained neutral during the wars of the 20th century, and it joined the United Nations only after a referendum in 2002. Membership in international institutions has long been a controversial issue in Switzerland. The country is surrounded by members of the European Union (EU), but the Swiss have resisted joining. The country even rejected, in a 1992 referendum, membership in the European Economic Area, a "halfway house" to EU membership that features a trade agreement with the EU. However, Switzerland has joined international financial institutions and signed a range of free-trade agreements.

Hostility to both EU membership and immigration has been a hallmark of the right-wing Swiss People's Party (SVP). During the October 2003 legislative elections, the SVP made blatantly xenophobic appeals, while insisting that it was not opposed to legal immigrants. The SVP captured the largest share of the vote, followed closely by the center-left Social Democratic Party (SP). The center-right Christian Democratic People's Party (CVP) received barely half the total of the SVP. SVP leader Christoph Blocher called successfully for a second seat on the seven-member Federal Council for his party, at the expense of the CVP.

A package of bilateral accords with the EU was adopted in June 2005. Switzerland agreed to join the Schengen area, a passport-free travel zone consisting of 2 other non-EU countries (Norway and Iceland) and 13 of the 25 EU member states.



The accord also deepened Switzerland's cooperation with the EU on asylum policy, justice, and home affairs. In September, a second referendum passed, extending the free movement of labor to the 10 countries that had joined the EU in 2004.

The SVP opposed both referendums, and their adoption led to speculation that the party had passed its political peak. However, in a September 2006 referendum, it successfully championed a tightening of asylum and immigration laws that would require asylum seekers to produce an identity document within 48 hours of arrival or risk repatriation. The tightening of immigration policy limited immigration mainly to those coming from EU countries; prospective immigrants from outside the EU would have to possess skills lacking in the Swiss economy.

The October 2007 elections were a triumph for the SVP, which captured 29 percent of the vote—more than any party since 1919. The SP's share fell to 19.5 percent of the vote, and the Free Democratic Party (FDP) to 15.6 percent, its worst-ever showing. The CVP won 14.6 percent, and the Green Party took 9.6 percent, its best-ever performance. The SVP campaign received international attention for its anti-immigrant appeals. An SVP rally in Bern, met by a counterdemonstration, resulted in violence and police use of water cannons and tear gas—rare in Switzerland.

The new parliament, however, surprised the SVP by refusing to reappoint Blocher to the cabinet, choosing instead Eveline Widmer-Schlumpf, from the party's moderate wing. The SVP responded by entering into opposition, the first time that a major party had done so in decades. The party expelled Widmer-Schlumpf and Samuel Schmid, the other SVP minister, and the two became part of a new moderate-right party, the Burgeois-Democratic Party, which constituted itself formally at the national level in November 2008. At the end of the year, however, the SVP returned to the cabinet. Blocher and Ueli Maurer constituted a joint ticket for the party, but low support for Blocher forced his withdrawal. In a close vote, Maurer joined as defense minister, replacing Schmid. He repeatedly declared publicly that he was prepared to join the traditional Swiss pattern of consensus and collegiality within government.

Switzerland, a major banking center, was severely hit by the global financial crisis in 2008. In October, the government rescued UBS, a Switzerland-based bank, with a bailout worth US\$59 billion, and economic growth threatened to slow significantly.

**Political Rights and Civil Liberties:** Switzerland is an electoral democracy. The constitution of 1848, significantly revised in 1874 and 2000, provides for a Federal Assembly with two directly elected chambers: the Council of States (in which each canton has two members and each half-canton has one) and the 200-member National Council. All of the lawmakers serve four-year terms. The Federal Council (cabinet) is a seven-person executive, with each member elected by the Federal Assembly. The presidency is largely ceremonial and rotates annually among the Federal Council's members.

The Swiss political system is characterized by decentralization and direct democracy. The cantons and half-cantons have significant control over economic and social policy, with the federal government's powers largely limited to foreign affairs and some economic matters. Referendums are also a common feature; any measure that modifies the constitution must be put to a referendum. Any new or revised law must also be put to a referendum if 50,000 signatures in favor of doing so can be gathered, and voters may even initiate legislation themselves with 100,000 signatures.

The main political parties have long been the SVP, the SP, the right-wing and free-market FDP, and the CVP. Traditionally, these last three parties each held two seats in the Federal Council, with the SVP holding just one. However, the SVP's popular support increased gradually over the 1990s as it shifted to the right, poaching voters initially from small far-right parties and then increasingly from the FDP. After the 2003 elections, the SVP held two seats and the CVP held one. In the wake of the 2007 election, however, the SVP splintered; the SVP's two ministers joined a splinter party, but one was removed for an SVP minister in December 2008.

The government is free from pervasive corruption. However, the country has traditionally drawn criticism for its banking-secrecy laws, which allegedly enable money laundering and other crimes. The International Monetary Fund has praised Switzerland for tightening laws on money laundering and terrorist financing, but in 2005, the intergovernmental Financial Action Task Force still found Switzerland only "partially compliant" with many of its recommended international norms; criticism was renewed by other European governments in 2008 as the financial crisis unfolded. Switzerland was ranked 5 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is guaranteed by the constitution. Switzerland has a free media environment, although the state-owned Swiss Broadcasting Corporation dominates the broadcast market. The penal code prohibits racist or anti-Semitic speech. Consolidation of newspaper ownership in large media conglomerates has forced the closure of some small and local newspapers. Internet access is unrestricted.

Freedom of religion is guaranteed by the constitution, and most cantons support one or several churches. The country is split roughly between Roman Catholicism and Protestantism, although an official tally of more than 300,000 (and perhaps many more undocumented) Muslims form the largest non-Christian minority. The SVP supports a referendum to ban mosque minarets. Religion is taught in public schools, depending on the predominant creed in each canton. Students are free to choose their creed of instruction or opt out of religious instruction.

Freedoms of assembly and association are upheld in practice, and civil society is especially active in Switzerland. The right to collective bargaining is respected, and roughly one-third of the workforce is unionized.

The judiciary is independent, and the rule of law prevails in civil and criminal matters. Most judicial decisions are made at the cantonal level, except for the federal Supreme Court, which reviews cantonal court decisions when they pertain to federal law. Refusal to perform military service is a criminal offense for males. Prison conditions are generally acceptable.

The rights of cultural, religious, and linguistic minorities are legally protected, though increasing anxiety about the large foreign-born population has led to a tightening of asylum laws and societal discrimination, especially against non-European immigrants and their descendants.

Women were only granted universal suffrage at the federal level in 1971, and the half-canton Appenzell-Innerrhoden denied women the vote until 1990. Abortion laws were eased to decriminalize abortion in the first 12 weeks of pregnancy following a referendum in 2002, which 72 percent of voters supported. The constitution guarantees equal pay to men and women for work of equal value, but pay differentials remain as a result of general inequality. The Federal council has 3 women among its 7

members, and the National Council has 59 women among its 200 members, which is above the European average.

## Syria

**Population:** 19,900,000

**Capital:** Damascus

**Political Rights:** 7

**Civil Liberties:** 6

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,6NF	7,6NF	7,6NF

### Overview:

In early 2008, Syria completed a major crackdown on dissident and opposition leaders that had begun in late 2007.

The country was rattled by an unusual series of political assassinations and explosions targeting the regime. Freedoms of expression, association, and assembly remained tightly restricted throughout the year, and the government continued to hold an estimated 2,500 to 3,000 political prisoners. On the international front, Syria established formal relations with Lebanon in October.

The modern state of Syria was established by the French after World War I and gained formal independence in 1946. Democratic institutions functioned intermittently until the Arab Socialist Baath Party seized power in a 1963 coup and transformed Syria into a one-party state governed under emergency law. During the 1960s, power shifted from civilian ideologues to army officers, most of whom belonged to Syria's Alawite minority (adherents of an Islamic sect comprising 12 percent of the population). This trend culminated in General Hafez al-Assad's rise to power in 1970.

The regime cultivated a base of support that spanned sectarian and ethnic divisions, but relied on Alawite domination of the security establishment and the suppression of dissent. In 1982, government forces stormed the northern city of Hama to crush a rebellion by the opposition Muslim Brotherhood, killing as many as 20,000 insurgents and civilians.

Bashar al-Assad took power after his father's death in 2000, pledging to liberalize Syria's politics and economy. The first six months of his presidency featured the release of political prisoners, the return of exiled dissidents, and open discussion of the country's problems. In February 2001, however, the regime abruptly halted this so-called Damascus Spring. Leading reformists were arrested and sentenced to lengthy prison terms, while others faced constant surveillance and intimidation by the secret police. Economic reform fell by the wayside, and Syria under Bashar al-Assad proved resistant to political change.

Reinvigorated by the toppling of Iraq's Baathist regime in 2003, Syria's secular and Islamist dissidents began cooperating and pushing for the release of political prisoners, the cancellation of the state of emergency, and the legalization of opposition parties. Syria's Kurdish minority erupted into eight days of rioting in March 2004. At least 30 people were killed as security forces suppressed the riots and made some 2,000 arrests.

Despite hints that sweeping political reforms would be drafted at a major Baath Party conference in 2005, no substantial measures were taken. In October 2005, representatives of all three segments of the opposition—the Islamists, the Kurds, and secular liberals—signed the Damascus Declaration for Democratic National Change, which called for the country's leaders to step down and endorsed a broad set of liberal democratic principles.

In May 2006, exiled opposition leaders announced the creation of the National Salvation Front (NSF) to bring about regime change. Also that month, a number of Syrian political and human rights activists signed the Beirut-Damascus Declaration, which called for a change in Syrian-Lebanese relations and the recognition of Lebanese sovereignty. Many of the signatories were subsequently detained or sentenced to prison as part of a renewed crackdown that reversed the previous partial leniency on personal freedom.

In 2007, al-Assad won another term as president with 97.6 percent of the vote. In results that were similarly preordained by the electoral framework, the ruling Baath-dominated coalition won the majority of seats in that year's parliamentary and municipal polls. Meanwhile, the National Council of the Damascus Declaration for Democratic National Change renewed its activities in 2007, prompting a government crackdown on its members.

The government began another campaign against dissidents in December 2007, and the effort continued into early 2008. Forty signatories of the Beirut-Damascus Declaration were arrested, and 12 were sentenced to three-year prison terms; 2 Kurdish leaders were arrested; and scores of suspected members of the Muslim Brotherhood or Salafist groups were imprisoned. Also in 2008, a military court sentenced former vice president Abdel Halim Khaddam, a leader of the NSF, to life in prison in absentia for inciting foreign attacks against Syria. Yet as Syria recognized Lebanon's sovereignty by establishing formal relations in October, and entered into sustained indirect peace negotiations with Israel, European countries began to ease its diplomatic isolation.

Syria also experienced an unusual wave of internal instability in 2008. A car bombing in March killed Imad Moughniyeh, a senior member of the Lebanese militant group Hezbollah. Mohammed Suleiman, an army officer said to be a close adviser to the president, was assassinated in August, and a September car bombing killed 17 people near an office of the country's internal intelligence service. The media also reported intermittent violence between security forces and residents of the Yarmouk Palestinian refugee camp.

### **Political Rights and Civil Liberties:**

Syria is not an electoral democracy. Under the 1973 constitution, the president is nominated by the ruling Baath Party and approved by popular referendum for seven-year terms. In practice, these referendums are orchestrated by the regime, as are elections for the 250-seat, unicameral People's Council, whose members serve four-year

terms and hold little independent legislative power. Almost all power rests in the executive branch.

The only legal political parties are the Baath Party and its several small coalition partners in the ruling National Progressive Front (NPF). Independent candidates, who are heavily vetted and closely allied with the regime, are permitted to contest about a third of the People's Council seats, meaning two-thirds are reserved for the NPF. The ruling party pledged to legalize other political parties that are not based on religious or ethnic identity (a condition that would exclude the Muslim Brotherhood and Kurdish opposition groups) at its June 2005 conference, but no legislation implementing this pledge has been forthcoming.

Regime officials and their families monopolize many lucrative import markets and benefit from a range of illicit economic activities. Syria is slowly opening itself economically by removing heavy tariffs and eliminating subsidies, but these limited reforms benefit a small minority at the expense of average citizens. Corruption is widespread, and bribery is often necessary to navigate the bureaucracy. Equality of opportunity has been compromised by this rampant graft. Syria was ranked 147 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of expression is heavily restricted. Vaguely worded articles of the penal code, the Emergency Law, and a 2001 Publications Law criminalize the publication of material that harms national unity, tarnishes the image of the state, or threatens the "goals of the revolution." Many journalists, writers, and intellectuals have been arrested under these statutes. Apart from a handful of radio stations with non-news formats, all broadcast media are state owned. However, satellite dishes are common, giving most Syrians access to foreign broadcasts. While more than a dozen privately owned newspapers and magazines have sprouted up in recent years, only one—owned by the son of Syria's defense minister—is allowed to publish serious criticism of the government. The 2001 press law permits the authorities to arbitrarily deny or revoke publishing licenses and compels private print outlets to submit all material to government censors. It also imposes punishment on reporters who do not reveal their sources in response to government requests. Since the Kurdish protests in 2004, the government has cracked down on journalists calling for the expansion of Kurdish rights.

The sale of *Al-Hayat*—a Saudi-owned, pan-Arab daily—was banned indefinitely in September 2008; the government had repeatedly banned individual issues of the paper in the preceding months. The authorities also forced *Al-Hayat's* Damascus correspondent to resign after 18 years in the post because of "the campaign waged by *Al-Hayat* against Syria." Another Saudi-owned, pan-Arab newspaper, *Al-Sharq al-Awsat*, has been banned since 2006, when it reported negatively on Hezbollah during its summer conflict with Israel. Journalists in Syria are subject to harassment and intimidation in the form of short jail terms, travel bans, and confiscations of their notes.

Syrians access the internet only through state-run servers, which block more than 160 sites associated with the opposition, Kurdish politics, Islamic organizations, human rights, and certain foreign news services, particularly those in Lebanon. User-generated websites such as Facebook and YouTube were blocked in 2007 and remained blocked through early 2008. The blocks are turned on and off sporadi-

cally, but many internet users are able to find ways to access most internet sites. E-mail correspondence is reportedly monitored by the intelligence agencies, which often require internet cafe owners to monitor customers. The Ministry of Telecommunications introduced new measures in 2007 that called for all posters on blogs and websites to publish their names and e-mail addresses. In practice, internet users find ways around restrictions, and poor connections hinder access more effectively than government regulations. Still, the government has succeeded in fostering self-censorship through intimidation; five cyberdissidents are currently imprisoned. A blogger, Tariq Biassi, was sentenced to three years in prison in May 2008 for criticizing the government. Mohammed Badi Dak al-Bab was sentenced to six months in prison in June for "attacking the prestige of the state" in an online article he wrote for the National Organization for Human Rights.

Although the constitution requires that the president be a Muslim, there is no state religion in Syria, and freedom of worship is generally respected. Both Latin and Orthodox Christians celebrated the year of Saint Paul in 2008, and Syria hosted many pilgrims and sponsored an official program of events in Damascus. However, all nonworship meetings of religious groups require permits, and religious fund-raising is closely scrutinized. The Alawite minority dominates the officer corps of the military and security forces. The government tightly monitors mosques and controls the appointment of Muslim clergy.

Academic freedom is heavily restricted. Several private universities have recently been founded, and the extent of academic freedom within them varies. University professors have been dismissed or imprisoned for expressing dissent.

Freedom of assembly is heavily circumscribed. Public demonstrations are illegal without official permission, which is typically granted only to progovernment groups. The security services intensified their ban on public and private gatherings in 2006, forbidding any group of five or more people from discussing political and economic topics. This rule has been enforced through surveillance and informant reports. Such activity by the intelligence services has ensured that a culture of self-censorship and fear prevails, and ordinary Syrians are unwilling to discuss politics under most circumstances.

Freedom of association is severely restricted. All nongovernmental organizations must register with the government, which generally denies registration to reformist or human rights groups. Leaders of unlicensed human rights groups have frequently been jailed for publicizing state abuses. Professional syndicates are controlled by the Baath Party, and all labor unions must belong to the General Federation of Trade Unions (GFTU), a nominally independent grouping that the government uses to control union activity. Strikes in nonagricultural sectors are legal, but they rarely occur.

While the lower courts operate with some independence and generally safeguard defendants' rights, politically sensitive cases are usually tried by the Supreme State Security Court (SSSC), an exceptional tribunal established under emergency law that denies the right to appeal, limits access to legal counsel, tries many cases behind closed doors, and routinely accepts confessions obtained through torture. SSSC judges are appointed by the executive branch, and only the president and interior minister may alter verdicts.

The state of emergency in force since 1963 gives the security agencies virtually

unlimited authority to arrest suspects and hold them incommunicado for prolonged periods without charge. Many of the estimated 2,500 to 3,000 political prisoners in Syria have never been tried. The majority of these prisoners are probably Islamists; those suspected of involvement with the Muslim Brotherhood or radical Islamist groups are regularly detained by the authorities. In July 2008, a riot broke out at the Sidnaya prison, which houses political prisoners. Human rights groups estimated that at least 25 inmates were killed while demanding better conditions.

The security agencies, which operate independently of the judiciary, routinely extract confessions by torturing suspects and detaining their family members. After release from prison, political activists are often monitored and harassed by security services. The Syrian Human Rights Committee has reported that hundreds of government informants are rewarded for or coerced into writing reports on relatives, friends, and associates who are suspected of involvement in "antiregime" activities.

The Kurdish minority faces severe restrictions on cultural and linguistic expression. The 2001 press law requires that owners and top editors of print publications be Arabs. Some 200,000 Syrian Kurds are deprived of citizenship and are unable to obtain passports, identity cards, or birth certificates, which in turn prevents them from owning land, obtaining government employment, and voting. Suspected Kurdish activists are routinely dismissed from schools and public sector jobs. In March 2008, three Kurds were killed and another five were wounded in clashes between civilians celebrating the Kurdish new year and state security forces.

Two Kurdish leaders were arrested in 2008—Talal Mohammed, who is associated with Turkey's Kurdish Workers' Party (PKK) rebel group, and Mashaal Tammo, an official in the opposition Kurdish Future Movement. Tammo was charged with arming Syrians to start a civil war, and faced the death penalty. The government has continued its crackdown on the PKK, which it previously supported. It has arrested hundreds of other Kurdish activists in recent years and prevented many from traveling to Iraq's Kurdish region.

Opposition figures and relatives of exiled dissidents are routinely prevented from traveling abroad, and many Kurds lack the requisite documents to leave the country. However, Syrians are generally allowed freedom of movement, residence, and employment.

The government has promoted gender equality by appointing women to senior positions, including the vice presidency. Syria also has the highest proportion of female parliamentarians in the Arab world. The government provides women with equal access to education, but many discriminatory laws remain in force. A husband may request that the Interior Ministry block his wife from traveling abroad, and women are generally barred from leaving the country with their children without proof of the father's permission. Violence against women is common, particularly in rural areas. An accused rapist can be acquitted if he marries his victim, and the law provides for reduced sentences in cases of "honor crimes" committed by men against female relatives for alleged sexual misconduct. However, a prominent Syrian mufti declared "honor crimes" un-Islamic in 2007, and the government allowed the first shelter for abused women to open in September 2008. Personal status law for Muslim women is governed by Sharia (Islamic law) and is discriminatory in marriage, divorce, and inheritance matters; church law governs personal status for Christians, which in some cases prevents divorce.

# Taiwan

**Population:** 23,000,000

**Capital:** Taipei

**Political Rights:** 2

**Civil Liberties:** 1

**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,2F	1,2F	1,2F	2,2F	2,2F	2,1F	1,1F	2,1F	2,1F	2,1F

## Overview:

The opposition Kuomintang took power after winning legislative and presidential elections in January and March 2008, respectively. The outgoing president, Chen Shui-bian of the Democratic Progressive Party, was subsequently indicted on corruption charges, as were other members of his administration. Relations with China improved under the new government, which established direct transport links with the mainland. However, a Chinese envoy's November visit was accompanied by some restrictions on free expression and assembly, culminating in violent clashes between police and protesters.

Taiwan became home to the Chinese nationalist Kuomintang (KMT) government-in-exile in 1949, and it is still formally known as the Republic of China (ROC). Although the island is independent in all but name, the People's Republic of China (PRC) considers it a renegade province and has threatened to take military action if de jure independence is declared.

Taiwan's transition to democracy began in 1987, when the KMT ended 38 years of martial law. In 1988, Lee Teng-hui became the first native Taiwanese president, breaking the mainland emigres' stranglehold on politics. The media were liberalized and opposition political parties legalized in 1989. Lee oversaw Taiwan's first multi-party legislative elections in 1991-92 and the first direct presidential election in 1996.

Chen Shui-bian's victory in the 2000 presidential race, as a candidate of the proindependence Democratic Progressive Party (DPP), ended 55 years of KMT rule, though the KMT maintained a majority in parliament. Chen won reelection in March 2004 by a margin of only 0.2 percentage points. With the KMT retaining its majority in the Legislative Yuan (LY) in parliamentary elections later that year, the political gridlock between the DPP-led executive and the KMT-dominated legislature continued.

Also in 2004, the LY passed a resolution on constitutional amendments. The reforms wrote a national referendum mechanism into the constitution, cut the size of the 225-seat legislature by half, extended legislative terms to four years, and exchanged Taiwan's single-vote, multimember-district electoral system for a mixed system of single-member districts and proportional representation (a two-vote system).

The first legislative elections under the new system were held in January 2008.



The KMT secured an overwhelming majority with 81 of 113 seats, while the DPP took 27 and the remainder went to independents and smaller parties. The constitutional changes had worked against the interests of smaller parties, contributing to political polarization. Taipei mayor Ma Ying-jeou of the KMT won the March presidential election, defeating the DPP's Frank Hsieh, 58 percent to 42 percent. Both elections were deemed generally free and fair by international observers and marked the island's second peaceful, democratic transfer of power. In concurrent referendums, low voter turnout scuttled proposals to seek membership in the United Nations, either as "Taiwan" or "Republic of China."

In addition to concerns over the economy, frustration at the political gridlock, and desire for status quo in cross-strait relations, the DPP's poor electoral performance was attributed in part to a spate of corruption scandals involving Chen and other top officials. After the outgoing president's immunity expired in May, prosecutors launched an investigation into his involvement in existing money laundering and corruption cases. He was ultimately indicted in December. Although KMT politicians were also targeted in 2008, a spurt of investigations and pretrial detentions of DPP politicians late in the year raised concerns about selective prosecution.

Meanwhile, in a shift from Chen's proindependence policies, the new Ma administration took steps to establish closer relations with the PRC government. These included the signing of agreements that enabled direct cross-strait transport links and increased Chinese tourism in Taiwan. Though many Taiwanese supported improved economic ties with China, some argued that the administration was conceding elements of Taiwan's sovereignty and acting with minimal transparency. Tensions came to a head when PRC envoy Chen Yunlin visited in November to sign four agreements on transport links and food safety. The visit was accompanied by a significant police presence, reports of restrictions on free expression, and large-scale protests, during which both police and protesters engaged in violence, resulting in the injury of dozens of people. At year's end, observers were watching how Taiwan's democratic institutions would respond to the violent episode that sparked considerable concern at home and abroad.

While relations between the Taiwan and PRC governments improved after the elections, Beijing maintained an aggressive legal and military stance on the prospect of eventual Taiwanese independence; an estimated 1,300 missiles remained aimed at Taiwan at year's end. Beijing also continued to limit Taiwan's international contacts in early 2008. In January, Malawi ended its diplomatic relations with Taiwan, reportedly due to financial incentives from China, while Taiwanese journalists were denied UN accreditation to cover the annual World Health Assembly in May, apparently under PRC pressure.

**Political Rights and Civil Liberties:** Taiwan is an electoral democracy. The 1946 constitution, adopted while the KMT was in power on the mainland, created a hybrid presidential-parliamentary system and unique structure with five branches of government (*yuan*). The president, who is directly elected for up to two four-year terms, wields executive power, appoints the prime minister, and can dissolve the legislature. The Executive Yuan, or cabinet, consists of ministers appointed by the president on the recommendation of the prime minister. The prime minister is responsible to the national legislature (Legislative Yuan),

which, under constitutional amendments that took effect in 2008, consists of 113 members serving four-year terms; 73 members are elected in single-member districts, and 34 are chosen through nationwide proportional representation. The six remaining members are chosen by indigenous people. The three other branches of government are the judiciary (Judicial Yuan), a watchdog body (Control Yuan), and a branch responsible for civil service examinations (Examination Yuan). Constitutional amendments require the approval of two-thirds of the legislature, followed by a national referendum.

The two main political parties are the proindependence DPP and the nationalist KMT. In August 2008, the Taiwanese Communist Party was allowed to register for the first time, following removal of a ban on associations advocating "communism" or "division of national territory."

The Asian Network for Free Elections, an independent observer organization, hailed the March 2008 presidential election as an improvement over the 2004 campaign, during which a presidential and vice-presidential candidate were shot and wounded. However, the group raised concerns about compromised ballot secrecy in referendum voting, as well as presidential campaign spending that exceeded the legal limits. The January parliamentary elections were also seen as generally fair, although the fact that the KMT and DPP respectively secured 72 percent and 24 percent of the seats after winning 51 percent and 37 percent of the votes prompted some calls for reexamination of the new electoral procedures. The parliamentary elections were also marred by allegations of vote buying; prosecutors were reportedly investigating 5,189 cases ahead of the elections, and in January, for the first time, a newly elected lawmaker was indicted for vote buying.

Several high-level government figures were involved in corruption scandals during the year. The DPP's Chen Shui-bian, whose presidential term ended in May 2008, admitted in August that he had not fully declared past campaign funds; he was indicted on other charges of money laundering and misuse of public funds in December. Among other high-profile cases, eight former and sitting lawmakers from various parties were indicted in January for allegedly accepting bribes; a scandal involving the embezzlement of nearly \$30 million aimed at establishing diplomatic ties with Papua New Guinea was exposed in May; and the former director of the Justice Ministry's Investigation Bureau was sentenced to 10 years in prison in December for withholding classified information related to Chen's case. The indictment of a growing number of DPP officials led some observers to raise concerns about selective prosecution toward the end of the year. In a positive development, the watchdog Control Yuan began functioning in July after a three-year hiatus stemming from a Chen-KMT stalemate over appointments to the body. Taiwan was ranked 39 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The Taiwanese media reflect a diversity of views and report aggressively on government policies and corruption allegations. Nevertheless, political polarization poses a challenge to press freedom, with most major news outlets seen as sympathetic to one of the two main parties. Some efforts to increase government control over publicly owned media emerged during 2008, with lawmakers freezing half the budget of the Taiwan Public Television Service for much of the year; in December, parliamentary committees approved resolutions requiring government item-by-item

approval of programming budgets, but the bill was pending at year's end. However, a reorganized National Communications Commission began work in August after a 2006 court ruling struck down its previous, partisan appointment system. Physical violence against journalists is rare, but several reporters were injured while covering protests during Chinese envoy Chen Yunlin's visit in November. Police reportedly detained a documentary filmmaker for about an hour after she attempted to film protests outside Chen's hotel; she apparently sustained minor injuries. Also in November, the China Times Group, one of Taiwan's biggest media syndicates, was bought by a businessman with major interests in the PRC, raising the prospect of self-censorship by the media group in the future. There are generally no restrictions on internet access.

Taiwanese of all faiths can worship freely. Religious organizations can choose to register with the government; those that do so receive tax-exempt status. Taiwanese professors and other educators write and lecture freely.

Freedom of assembly is generally respected, as evidenced by several large-scale and mainly peaceful demonstrations that took place during 2008. Nevertheless, adherents of the Falun Gong spiritual movement came under pressure from local authorities in June to limit protests over the group's repression in China at sites frequented by Chinese tourists. During Chen Yunlin's visit in November, police in several cases restricted protesters from displaying Taiwanese and Tibetan flags, expressions of Taiwanese national identity, or critiques of the Chinese regime. Incidents of police brutality were reported, though demonstrators also engaged in violence, and dozens of people were injured. A probe into police misconduct by the Control Yuan was ongoing at year's end. The Parade and Assembly Law includes restrictions on demonstration locations and permit requirements for outdoor meetings. Although such permits are generally granted, some individuals have been indicted in recent years for holding peaceful demonstrations without permission. The government proposed amendments to the law, which passed initial approval in the legislature in December, though some observers viewed these as inadequate in key respects. All civic organizations must register with the government, although registration is freely approved. Taiwanese nongovernmental organizations (NGOs) focusing on human rights, social welfare, and the environment are active and operate without harassment.

Trade unions are independent, and most workers enjoy freedom of association. However, government employees and defense-industry workers are barred from joining unions or bargaining collectively. According to the U.S. State Department's 2008 human rights report, unions may be dissolved if their activities "disturb public order," while other restrictions undermine collective bargaining and make it difficult to strike legally. In 2008, as many as a third of Taiwanese companies ordered employees to take unpaid leave as the global downturn set in, sparking worker protests.

Taiwan's 350,000 foreign workers are not covered by the Labor Standards Law or represented by unions, and many decline to report abuses for fear of deportation. During the year, the Council of Labor Affairs made several improvements to regulations governing the payment of foreign workers and took measures to facilitate their ability to change employers.

The judiciary is independent, and trials are generally fair. There is no trial by jury; judges decide all cases. Arbitrary arrest and detention are not permitted, and

police generally respect this ban. Nevertheless, suspects can be detained for up to four months without charges; the provision was used in multiple corruption cases during 2008, including that of former president Chen. Legal experts also noted that Chen's case was transferred among different judges in late December in a manner that seemed to circumvent the usual random assignments and gave the appearance of political influence. Amnesty International estimated that 82 people were on death row at year's end, although no executions have been carried out since 2005.

Police corruption continues to be a problem. Suspects are allowed attorneys during interrogations specifically to prevent abuse. Searches without warrants are allowed only in particular circumstances, and a 1999 law imposes strict punishments for illicit wiretapping.

The constitution provides for the equality of all citizens. Apart from the unresolved issue of ownership of ancestral lands, the rights of indigenous people are protected by law. Six Legislative Yuan seats are reserved for indigenous people under electoral reforms that took effect in 2008. Taiwanese law does not provide for the granting of asylum or refugee status; PRC immigrants are more likely than others to be repatriated or held in lengthy detention.

With the exception of civil servants and military personnel traveling to China, freedom of movement is generally unrestricted. Beginning in July 2008, ordinary Chinese citizens were able to take direct charter flights to Taiwan on weekends. Previously, the flights were limited to four holiday weekends and only to select individuals. Following the signing of a new agreement in November, direct cross-strait flights were extended to seven days a week.

Taiwanese women continue to face private sector job discrimination and lower pay than men on average. After the 2008 elections, women held 30 percent of the Legislative Yuan seats, an increase from 22 percent in the previous legislatures. Rape and domestic violence remain problems despite government programs to protect women and the work of numerous NGOs to improve women's rights. Although authorities can pursue such cases without the victims formally pressing charges, cultural norms inhibit many women from reporting the crimes. Taiwan is both a source and destination for trafficked women. In November 2008, the Executive Yuan approved a draft Anti-Human Trafficking Law, but it had yet to be passed by the Legislative Yuan at year's end.

## Tajikistan

**Population:** 7,300,000

**Capital:** Dushanbe

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

The regime of President Emomali Rahmon continued to encroach on religious freedoms and shackle the media in 2008, even as basic services slipped, debt problems deepened, and public discontent increased. Tajikistan cooperated with international organizations to ensure food security, but admitted that it had lied to the International Monetary Fund to obtain a \$48 million loan.

Former Communist Party leader Rakhmon Nabiyev was elected president of Tajikistan in late 1991, two months after the country declared independence from the Soviet Union. Long-simmering, clan-based tensions, combined with various anti-Communist and Islamist movements, soon plunged the country into a five-year civil war. In September 1992, Communist hard-liners forced Nabiyev's resignation; he was replaced later that year by Emomali Rakhmonov, a leading Communist Party member.

Rakhmonov was elected president in November 1994, after most opposition candidates either boycotted or were prevented from competing in the poll. Similarly, progovernment candidates won the March 1995 parliamentary elections amid a boycott by the United Tajik Opposition (UTO), a coalition of secular and Islamic groups that had emerged as the main force fighting against Rakhmonov's government.

Following a December 1996 ceasefire, Rakhmonov and UTO leader Said Abdullo Nuri signed a formal peace agreement in June 1997. The accord called for the merging of opposition forces into the regular army, granted an amnesty for UTO members, provided for the UTO to be allotted 30 percent of senior government posts, and established a 26-member National Reconciliation Commission, with seats evenly divided between the government and the UTO.

A September 1999 referendum that permitted the formation of religion-based political parties paved the way for the legal operation of the Islamic opposition, including the Islamic Renaissance Party (IRP), which constituted the backbone of the UTO. The referendum also extended the president's term from five to seven years. In November, Rakhmonov was reelected with a reported 97 percent of the vote in a poll that was criticized by international observers for widespread irregularities.

In February 2000 parliamentary elections, Rakhmonov's People's Democratic

Party (PDP) received nearly 65 percent of the vote, followed by the Communist Party with 20 percent, and the IRP with 7 percent. Although the participation of six parties in the elections provided some political pluralism, a joint monitoring mission by the Organization for Security and Cooperation in Europe (OSCE) and the United Nations cited serious problems.

After the elections, the National Reconciliation Commission was formally disbanded, and a UN observer mission withdrew in May 2000. However, important provisions of the peace accord remained unimplemented, with demobilization of opposition factions incomplete and the government failing to meet the 30 percent quota for UTO members in senior government posts.

A June 2003 constitutional referendum cleared a path for Rakhmonov to remain in office until 2020. The PDP easily won 2005 parliamentary elections, taking 52 of 63 seats in the lower house. OSCE monitors concluded that "despite some improvement over previous elections, large-scale irregularities were evident." In the run-up to the polls, a number of Rakhmonov's prominent former allies were jailed, often on dubious charges. The November 2008 extradition of Abdurasul Mirzo from the United Arab Emirates to Tajikistan marked a continuation of Rahmon's drive to consolidate his power by eliminating potential opponents. Mirzo's brother, Ghaffor Mirzo, is a former commander of the Presidential Guard; he was jailed in 2006.

Also in 2005, Russian border guards, who had long patrolled the frontier with Afghanistan, completed their withdrawal. However, a Russian army division that had been in place since the Soviet period maintained its permanent presence in the country.

Rakhmonov won the November 2006 presidential election with more than 70 percent of the vote, although the OSCE pointed in its report to lackluster campaigning and a general absence of real competition. The president broadened his influence to the cultural sphere in 2007, de-Russifying his surname to "Rahmon" in March and signing legislation in May to establish spending limits on birthday and wedding celebrations.

The severe winter of 2007-08 featured widespread power outages and a number of spontaneous demonstrations, even in Dushanbe. In February 2008, the United Nations appealed for \$25 million in emergency assistance for the country to stave off famine. The UN World Food Program noted in August that bread and vegetable prices had more than doubled over the last year, and in October, the United Nations warned that one-third of Tajikistan's inhabitants could face hunger during the coming winter.

Most of the population lives in poverty and survives on subsistence agriculture, remittances from relatives working abroad (mainly in Russia), and foreign humanitarian aid. However, Tajikistan's relations with international financial institutions were complicated by an April 2008 admission that the Central Bank had lied about its reserves to secure a \$48 million loan from the International Monetary Fund, which demanded repayment over six months starting in September 2008. Meanwhile, the global economic downturn in the fall threatened to cut off the vital remittance income.

### **Political Rights and Civil Liberties:**

Tajikistan is not an electoral democracy. The 1994 constitution provides for a strong, directly elected president who enjoys broad authority to appoint and dismiss officials.

Amendments adopted in 1999 increased the powers of the president and created a full-time, bicameral parliament, while 2003 amendments allowed current president Emomali Rahmon to serve two additional seven-year terms beyond the 2006 election. In the Assembly of Representatives (lower chamber), 63 members are elected by popular vote to serve five-year terms. In the 33-seat National Assembly (upper chamber), 25 members are chosen by local assemblies, and 8 are appointed by the president, all for five-year terms. Elections are neither free nor fair.

Patronage networks and regional affiliations are central to political life, with officials from the president's native Kulyob region dominant in government. Rahmon's PDP is the ruling political party. Secular opposition parties are weak and enjoy minimal popular support. The limited influence of the IRP, currently the only legal religion-based party in Central Asia, was further reduced by the August 2006 death of Said Abdullo Nuri, its widely respected leader.

Corruption is reportedly pervasive. A list of the 100 richest people in Tajikistan compiled in 2008 by the independent news agency Avesta was dominated by government officials and members of parliament. Members of the president's family allegedly maintain extensive business interests. Tajikistan was ranked 151 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Despite constitutional guarantees of freedom of speech and the press, independent journalists face harassment and intimidation, and the penal code criminalizes defamation. The government controls most printing presses, newsprint supplies, and broadcasting facilities, leaving little room for independent news and analysis. Most television stations are state owned or only nominally independent, and the process of obtaining broadcast licenses is cumbersome. In August 2007, the president signed legislation that criminalized libel on the internet and allowed courts to sentence journalists to up to two years in prison for libel in print publications. In October 2008, exiled opposition journalist Dodojon Atovullo fled from Moscow to Paris to avoid possible extradition to Tajikistan, where he faced criminal charges.

Dozens of journalists were murdered during the country's five-year civil war in the 1990s, and most of the cases have not been solved. However, in October 2008, the Supreme Court found former rebel field commander Nasrullo Sharifov guilty of killing British Broadcasting Corporation correspondent Muhiddin Olimpur in 1995 and sentenced him to a 15-year prison term.

The government has shown an increasing willingness to impose restrictions on religion in this predominantly Muslim country. In October 2005, the minister of education banned the wearing of the *hijab* (headscarf) in schools and higher educational institutions. In March 2007, the authorities shut down large numbers of unauthorized mosques, and more restrictive rules for licensing religious leaders were imposed in August. In January 2008, male students at the Islamic University of Tajikistan were ordered to shave their beards and don Western attire. The authorities have raided stores and confiscated audio and video material with allegedly extremist content. Reports indicate that conservative religiosity is on the rise despite official restrictions.

The government at times limits freedoms of assembly and association. Local government approval is required to hold public demonstrations. Although fear of reprisal and concern about renewed unrest after the civil war generally dampen protests, more than 500 residents in Mountainous Badakhshan province demonstrated

in June 2008 against troop movements connected with an impending presidential visit. All nongovernmental organizations (NGOs) must register with the Ministry of Justice. In May, the U.S. National Democratic Institute had to close its offices in the country, first opened in 2002, because the government refused to register the group. Citizens have the legal right to form and join trade unions and to bargain collectively, which they do in practice.

The judiciary lacks independence. Many judges are poorly trained and inexperienced, and bribery is reportedly widespread. Occasional high-profile anticorruption campaigns have had little real impact. Police often conduct arbitrary arrests and beat detainees to extract confessions. Conditions in prisons—which are overcrowded and disease-ridden—are often life-threatening.

Tajikistan is a major conduit for the smuggling of narcotics from Afghanistan to Russia and Europe. A side effect has been an increase in drug addiction within Tajikistan, as well as a rise in the number of cases of HIV/AIDS.

Evictions to make way for development projects are a growing problem; in April 2008, 20 women were arrested in Dushanbe after they protested home demolitions. In late April, Dushanbe Mayor Mahmadsaid Ubaydulloyev asked city residents to "donate" half of their May and June salaries to fund the construction of the Roghun hydropower plant, a move critics described as state-sponsored extortion (although it was unclear how many people were affected).

Sexual harassment, traditional discrimination, and violence against women, including spousal abuse, are reportedly common, but cases reported to the authorities are rarely investigated. Reports indicate that women sometimes face societal pressure to wear headscarves, even though official policy discourages the practice. Despite some government efforts to address the practice, Tajikistan remains a source and transit country for persons trafficked for prostitution. Child labor, particularly on cotton farms, also remains a problem.

## Tanzania

**Population:** 40,200,000  
**Capital:** Dar-es-Salaam

**Political Rights:** 4  
**Civil Liberties:** 3  
**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	4,4PF	4,4PF	4,3PF	4,3PF	4,3PF	4,3PF	4,3PF	4,3PF	4,3PF

### Overview:

Long-standing negotiations on political reform between Tanzania's ruling Chama Cha Mapinduzi (CCM) party and the Zanzibari opposition Civic United Front were derailed



**in 2008, raising the specter of unrest in advance of the 2010 general elections. The CCM faced corruption allegations during the year relating to the misuse of government funds in the 2005 election campaign. Separately, two ministers resigned in 2008 following corruption allegations.**

Three years after mainland Tanganyika gained independence from Britain in 1961, the Zanzibar archipelago—consisting of Zanzibar, Pemba, and a number of smaller islands—merged with Tanganyika to become the United Republic of Tanzania. The ruling Chama Cha Mapinduzi (CCM) party, under longtime president Julius Nyerere, dominated the country's political life. For much of his presidency, Nyerere espoused a collectivist economic philosophy known in Swahili as *ujamaa*. While this policy may have promoted a sense of community and nationality, it also resulted in significant economic dislocation and decline. During Nyerere's tenure, Tanzania played an important role as a "frontline state" in the international response to white-controlled regimes in southern Africa. Nyerere's successor, Ali Hassan Mwinyi, held the presidency from 1985 to 1995 and oversaw a carefully controlled political liberalization process.

A CCM landslide victory in the 1995 parliamentary elections was seriously tainted by poor organization of the electoral process, fraud, and administrative irregularities. Voting in Zanzibar was plainly fraudulent, but its high court summarily rejected opposition demands for fresh polls. Tanzania again conducted legislative and presidential elections in 2000. President Benjamin Mkapa, who first took office in 1995, was reelected with about 70 percent of the vote, and the CCM again won an overwhelming victory in the parliament. Although the conduct of the elections represented a modest improvement over the 1995 vote, the opposition Civic United Front (CUF) and independent observers convincingly demonstrated that the CCM had engaged in fraud to retain power.

Rioting in Zanzibar in early 2001 resulted in the deaths of more than 40 people. In October 2001, the CCM and the CUF announced a reconciliation agreement designed to resolve the political crisis, although there were delays in the implementation of the agreement, which called for reforms related to police oversight, publicly owned media institutions, and the function and structure of the Zanzibar Electoral Commission. Voter registration in Zanzibar was also postponed, and the CUF complained that mainlanders were being fraudulently listed in the Zanzibari voting rolls.

In presidential and parliamentary elections in December 2005, Foreign Minister Jakaya Mrisho Kikwete, a CCM stalwart, was elected president with approximately 80 percent of the vote. The CCM captured 206 of 232 directly elected parliament seats. There were incidents of violence in the run-up to the polls for the presidency and parliament in Zanzibar, and the postelection atmosphere was tense as the CUF once again accused the victorious CCM of electoral fraud. Intermittent negotiations designed to resolve complaints about the 2005 elections in Zanzibar failed to bear fruit in 2007. Four opposition parties sought to form a united front for the next general elections, scheduled for late 2010, despite a constitutional prohibition on party coalitions. Also during the year, an anticorruption bill containing a mix of positive and negative features became law.

Throughout 2008, negotiations over Zanzibar foundered amidst a barrage of re-

criminations and charges of lack of good faith between the CUF and CCM, especially over the CCM's call for a referendum on power sharing. Two government ministers resigned during the year following corruption allegations.

Tanzania is one of the poorest countries in the world, with an annual per capita income of approximately \$700. It has recently, however, experienced significant economic growth, with a rate of over 7 percent for 2008.

### Political Rights and Civil Liberties:

Tanzania is not an electoral democracy. Although opposition parties were legalized in 1992, the ruling CCM continues to dominate the country's political life. Executive power rests with the president, who is elected by direct popular vote for up to two five-year terms. Legislative power is held by a unicameral National Assembly, the Bunge, which currently has 323 members serving five-year terms. Of these, 232 are directly elected in single-seat constituencies, 75 are women chosen by the political parties according to their representation in the Bunge, 10 are appointed by the president, and 5 are members of the Zanzibar legislature, whose 50 deputies are elected to five-year terms. The attorney general is also an ex-officio member of the Bunge.

Eighteen parties presented candidates in the 2005 legislative elections. Some of these parties are active, but they tend to be divided and ineffectual. The opposition CUF, based in Zanzibar, has sought to establish significant support on the Tanzanian mainland. Parties with parliamentary representation receive government subsidies, but they criticize the low level of funding and the formula by which it is allocated. The constitution prohibits political coalitions, which has impeded opposition efforts to seriously contest the CCM's dominance. The opposition fielded nine separate presidential candidates in the 2005 polls. To register in Tanzania, political parties must not be formed on religious, ethnic, or regional bases and cannot oppose the union of Zanzibar and the mainland.

Corruption remains a serious problem. In April 2008, a scandal emerged involving the CCM's misuse of the \$133 million External Payments Arrears account of the Bank of Tanzania, including allegations that funds had been used to finance the CCM's campaign in the 2005 general elections. In February, Prime Minister Edward Lowassa resigned following evidence of misconduct associated with a 2006 contract with a U.S.-based power company. Infrastructure Minister Andrew Chenge also resigned in April, following accusations of corruption over the controversial purchase of radar. Tanzania was ranked 102 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although the constitution provides for freedom of speech, it does not specifically guarantee freedom of the press. Nevertheless, Tanzania has a higher level of press freedom than other countries in its region. Print and electronic media are active, but their reach is largely limited to major urban areas. The country has more than 50 regular newspapers, including 17 dailies. The growth of the broadcast media has been hindered by a lack of capital investment, both public and private. However, a number of independent television and private FM radio stations have gone on the air in recent years, most of them in urban areas. The number of journalists has increased from only 230 in 1991 to more than 4,000 currently, but journalists in general have serious concerns about press laws that could limit freedom of expression. In October 2008, authorities banned the Kiswahili tabloid, *Mwanahalisi*, for three

months due to the publication of allegedly critical articles about high-ranking public officials. Internet access, while limited to urban areas, is growing.

Press freedom rights in Zanzibar have been constrained by its semiautonomous government. In recent years, the government there has not permitted private broadcasters or newspapers, though many islanders can receive mainland broadcasts and read the mainland press. The Zanzibari government often reacts to media criticism by accusing the press of being a "threat to national unity."

Freedom of religion is generally respected in Tanzania, and relations between the various faiths are mainly peaceful. In recent years, however, religious tensions have increased. Separately, the 2001 Mufti Law allowed the Zanzibari government to appoint a mufti, a professional jurist who interprets Islamic law, to oversee Muslim organizations. Some Muslims have been critical of this law, arguing that it represents excessive government interference in the exercise of religion. Academic freedom is respected in the country.

Constitutional protections for the rights of freedom of assembly and association are generally, but not always, respected. The laws allow rallies only by officially registered political parties. Many nongovernmental organizations (NGOs) are active, and some have been able to influence the public policy process. However, critics have cited serious flaws in a 2002 NGO act, including compulsory registration backed by criminal sanctions, lack of appeal to the courts, alignment of NGO activities with government plans, prohibition of national networks and coalitions of NGOs, and inconsistencies with other legislation.

Less than 5 percent of the labor force is unionized, and workers' rights are limited. Essential workers are barred from striking, and other workers' right to strike is restricted by complex notification and mediation requirements. There were sporadic strikes and protests throughout 2008 by public sector employees over lack of pay.

Tanzania's judiciary has displayed signs of autonomy after decades of subservience to the one-party CCM regime, but it remains subject to considerable political influence. Arrest and pretrial detention rules are often ignored. Prison conditions are harsh, and police abuse is said to be common. According to the International Centre for Prison Studies, at the end of 2006, there were 44,000 inmates in the country's prisons, although government sources have indicated that the facilities' collective capacity is only 23,000. Questions have been raised regarding the safety and health of prisoners, including minors and women, who have been subjected to sexual harassment and human rights abuses. A recent increase in daylight armed robberies, especially in Dar-es-Salaam, marred Tanzania's reputation for having relatively low crime rates.

The 2002 Prevention of Terrorism Act, which some NGOs have criticized for containing inconsistencies and anomalies, gives the government considerable latitude by not clearly defining the term terrorism. The act merely lists acts of terrorism, which include, among other things, attacks on a person's life, kidnapping, and serious damage to property. The law gives the police and immigration officials sweeping powers to arrest suspected illegal immigrants or anyone thought to have links with terrorists.

Compared with many of its neighbors, Tanzania has enjoyed tranquil relations among its many ethnic groups. The presence of refugees from conflicts in Burundi, Rwanda, and the Democratic Republic of Congo, however, has in the past raised

tensions; according to the 2008 World Refugee Report approximately 330,000 refugees remain in the country.

Women's rights guaranteed by the constitution and other laws are not uniformly protected. Traditional or Islamic customs that discriminate against women prevail in family law, especially in rural areas and in Zanzibar, and women have fewer educational and economic opportunities than men. Domestic violence against women is reportedly common and rarely prosecuted. Nevertheless, women are relatively well represented in parliament, with over 30 percent of seats held by women. Human rights groups have sought laws to bar forced marriages, which are most common among Tanzania's coastal peoples. Albinos are subject to violence and discrimination, with approximately 30 murders in 2008.

## Thailand

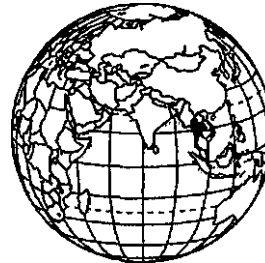
**Population:** 66,100,000

**Capital:** Bangkok

**Political Rights:** 5\*

**Civil Liberties:** 4

**Status:** Partly Free



**Ratings Change:** Thailand's political rights rating improved from 6 to 5 due to the transition from a military administration to an elected civilian government in 2008.

### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
2,3F	2,3F	2,3F	2,3F	2,3F	2,3F	3,3PF	7,4NF	6,4PF	5,4PF

### Overview:

An elected civilian government led by the People's Power Party (PPP) took office in early 2008, replacing a military administration that had ousted Prime Minister Thaksin Shinawatra in a 2006 coup; however, the military remained influential. Samak Sundaravej, the new prime minister, was a Thaksin ally. After months of strident antigovernment protests, the Constitutional Court removed Samak in September 2008 for violating conflict of interest laws. Somchai Wongsawat, Thaksin's brother-in-law, was chosen as the new prime minister, but protesters continued to occupy government offices, clashed with police, and shut down Bangkok's airports. The Constitutional Court in December abolished the PPP and two other parties for electoral violations in 2007, forcing Somchai's government to resign. Opposition leader Abhisit Vejjajiva formed a coalition government and became the new prime minister in late December. Meanwhile, Thaksin and his family fled abroad in August after returning to the country in February to face corruption charges; in October, he was sentenced in absentia to two years in prison.

Known as Siam until 1939, Thailand is the only Southeast Asian country that was never colonized. A 1932 coup transformed the kingdom into a constitutional monarchy, and the army ruled for most of the next six decades, with brief periods of unstable civilian government. Under the leadership of General Prem Tinsulanonda in the 1980s, Thailand underwent a rapid economic expansion and a gradual return to limited democracy. The military seized power again in 1991, but the country's revered monarch, King Bhumipol Adulyadej, convinced the military to appoint a civilian prime minister in 1992. Fresh elections were held in September of that year, ushering in a 14-year period of elected civilian leadership.

The Asian financial crisis in 1997 helped to trigger street protests by middle-class Thais in Bangkok against corruption and economic mismanagement. The parliament voted no confidence in the existing government and elevated Democrat Party (DP) leader Chuan Leekpai, a former prime minister with a clean reputation, to the premiership. Lawmakers also approved a reformist constitution, which created independent election and anticorruption bodies and introduced the direct election of the Senate.

Thaksin Shinawatra, a former deputy prime minister who built his fortune in telecommunications, unseated Chuan in the January 2001 elections, having criticized the government for favoring the urban middle class over ordinary Thais. Thaksin's Thai Rak Thai (TRT, or Thais Love Thais) party won 248 of the lower house's 500 seats despite a December 2000 ruling by the new National Counter-Corruption Commission that he had falsified wealth-disclosure statements while serving as a cabinet minister in 1997. He was cleared of the charges in a controversial ruling by the Constitutional Court in August 2001.

Thaksin's government won praise from many Thais for introducing programs to help small businesses and the poor, as low interest rates and populist spending programs fueled economic growth. However, critics accused Thaksin of undercutting the reformist constitution. While the charter required the prime minister and cabinet members to divest themselves of all business interests, many simply transferred their holdings to close relatives. Thaksin and his associates also allegedly abused their power for personal gain, and human rights groups condemned him for media suppression and a "war on drugs" that resulted in at least 2,500 deaths in 2003.

In 2004, violence erupted in Thailand's four southernmost provinces, home to most of the country's four million Muslims, and the government adopted a hard-line response. The provinces of Narathiwat, Yala, and Pattani were placed under martial law that year. An emergency decree in 2005 transferred authority back to civilian institutions, but it also allowed police to restrict basic rights, left some internal security powers with the military, and protected security forces from prosecution for abuses.

The February 2005 parliamentary elections marked a second landslide for the TRT party. However, rising inflation and interest rates, mounting fatalities from avian influenza, corruption, the government's general disregard for the constitution, and its heavy-handed approach to the insurgency all led to significant anti-Thaksin sentiment by December 2005, particularly in Bangkok and the south.

In January 2006, the Thaksin family drew public criticism for selling its share of Shin Corporation, one of Thailand's dominant information technology firms, to the investment arm of the Singaporean government. The sale set off a wave of anti-

Thaksin protests in the capital—led by the People's Alliance for Democracy (PAD), which drew much of its support from Bangkok's urban poor and middle class—prompted the prime minister to call snap elections for early April. While the TRT party secured a majority of the vote, the balloting was perceived to be illegitimate due to a boycott by all three opposition parties. Thaksin promised to step down for the sake of "national unity," but a political impasse developed when unfilled seats prevented the lower house from convening, and new elections were scheduled for October 15. Meanwhile, Thaksin remained in office, effectively renegeing on his promise to resign.

A military coup on September 19 preempted the new vote, ousting Thaksin—who was traveling abroad at the time—and installing a junta led by General Sonthi Soonyaratglin. The constitution was abrogated, the parliament was dissolved, and the Constitutional Court was replaced with an appointed military tribunal. The coup leaders' Council for National Security (CNS) established an interim civilian government within weeks, with former army commander Surayud Chulanont as prime minister. An interim constitution promulgated on October 1 outlined a process for drafting a new permanent constitution over the next year.

While the coup initially enjoyed significant public and royal support, the CNS government was undermined in 2007 by its slow progress in restoring democracy, a major dip in the Thai stock market, lagging efforts to hold Thaksin accountable for corruption, and the deteriorating security situation in the south. By June, the Democratic Alliance Against the Dictatorship (DAAD), a coalition of Thaksin supporters and other groups opposed to the coup and the CNS government, was leading daily nonviolent protests of up to 10,000 people.

In late May, the CNS-appointed Constitutional Tribunal found the TRT party guilty of paying off smaller parties in the April 2006 elections, but it cleared the DP—the main opposition party prior to the coup—of any electoral irregularities. The ruling effectively dissolved the TRT party, specifically prohibiting Thaksin and 111 other party leaders from participating in politics for the next five years.

A ban on political activity was lifted in June to allow parties to prepare for elections, which were set to be held in December. Former TRT members regrouped under the People's Power Party (PPP), with Samak Sundaravej as party leader. Samak was seen to be allied with Thaksin, and was known for strongly opposing the coup.

Referendum voters in August approved a new constitution, which contained a number of antidemocratic provisions. The poll results, with 57 percent in favor and 41 percent opposed, showed a significant protest vote and notable societal divisions. Some 62 percent of voters in the northeast, where support for Thaksin and TRT was strongest, voted against the constitution.

Although the CNS and its appointed Election Commission took a number of steps to restrict the PPP's campaign, the party won the December parliamentary elections with 233 of 480 lower-house seats, which the 2007 constitution had reduced from 500 seats. The DP placed second with 165 seats and, as expected, won in Bangkok and the south. The voting itself went smoothly, but there were numerous reports of vote buying and fraud. Separately, the 74 appointed members of the non-partisan Senate were chosen in February 2008 by a selection committee of judges and bureaucrats, and elections for the 76 remaining Senate seats were held in March.

The PPP quickly assembled a coalition government that took office in early 2008,

with Samak as prime minister. However, Thai politics remained polarized between pro- and anti-Thaksin forces, and the Samak government was hindered from the start by accusations of corruption and an array of political and legal challenges. In one controversy, the government was assailed by the opposition for allowing Cambodia to submit a successful bid to have the Preah Vihear temple—on a disputed portion of the Thai-Cambodian border—recognized in July as a UNESCO World Heritage Site. Critics said the government's stance amounted to an endorsement of Cambodian territorial claims. The Constitutional Court—appointed by the king upon the advice of the Senate and believed by many to be anti-Thaksin—ruled against the government's actions that month, and Foreign Minister Noppadon Pattama was forced to resign. The dispute touched off a military confrontation with Cambodia, as both countries deployed troops to the temple area. Two Cambodian soldiers were killed in an exchange of fire in October.

Also in July, the Supreme Court began hearing the first in several criminal cases against Thaksin and people close to him, including his wife, who was found guilty of tax evasion that month and sentenced to three years in prison. Thaksin had returned from exile in February to face the array of charges against him. The court's decision to proceed with a related lottery-scandal case caused three members of the Samak cabinet to be suspended from duty in August. Thaksin, who fled the country in August with his family, was convicted of abuse of office and sentenced in absentia to two years in prison in October, though he remained abroad at year's end.

Meanwhile, in May, after the PPP voted to introduce a number of constitutional amendments, the reestablished PAD protest movement launched demonstrations against the government, accusing it of serving as a corrupt proxy for Thaksin and demanding that it resign. The PAD initially offered a plan in which most members of parliament would be appointed by the monarch, arguing that the rural voters who formed a majority in Thailand were not sufficiently educated to elect lawmakers directly, but this plan was later dropped. Critics of the PAD claimed that it—along with the 2006 coup and anti-Thaksin efforts in general—was orchestrated by elites associated with the monarchy and the military.

The protests continued throughout the summer, and tens of thousands of PAD supporters stormed government offices in August, forcing the government to operate from temporary facilities. In early September, counterdemonstrators with the progovernment DAAD clashed with PAD supporters, leaving at least one dead and dozens injured. Samak called a state of emergency, but the army refused to enforce it. On September 9, the Constitutional Court removed Samak from office, ostensibly for violating a conflict of interest law by moonlighting on a television cooking show. The parliament then chose Somchai Wongsawat, Thaksin's brother-in-law, to replace Samak as prime minister. PAD protesters continued to occupy the government offices, and on October 6, they also surrounded the parliament building. When police tried to clear the area, violence erupted, resulting in three deaths and hundreds of injuries. A week later, military and police commanders appeared on television to ask Somchai to step down, while the PAD and others openly called for a military coup. As the standoff continued in November, the PAD succeeded in blockading Bangkok's main airports, seriously disrupting travel and economic activity in the country.

The PPP-led government was finally brought down on December 2, when the

Constitutional Court confirmed an October recommendation from the Election Commission that the PPP and two allied parties be disbanded for engaging in fraud in the December 2007 elections. The ruling also banned the parties' leaders from engaging in politics for five years. By year's end, Abhisit Vejjajiva, leader of the opposition DP, had formed a new coalition government and taken office as prime minister.

**Political Rights and Civil Liberties:** Thailand is not an electoral democracy. The country transitioned peacefully from the military-controlled CNS administration to an elected civilian government in early 2008, but the military maintained significant influence and continued to restrict civil and political rights. Moreover, the new PPP-led government was beleaguered by legal challenges and protests, showed little respect for human rights, and was accused of incompetence and widespread corruption. Constitutional Court rulings in September and December forced the resignations of two PPP prime ministers and the disbandment of the party itself, leaving a new government led by the rival DP in power at year's end.

The current constitution was drafted under the supervision of the military-backed government and approved in a referendum in August 2007. It calls for an amnesty for the 2006 coup leaders, and in a clear response to the premiership of Thaksin Shinawatra, whose government the coup overthrew, the new charter contains a number of measures designed to limit the power of the executive. In addition to establishing a limit of two four-year terms for prime ministers and lowering the threshold for launching a no-confidence motion against the prime minister (from two-fifths of the lower house to one-fifth) and cabinet ministers (from one-fourth to one-sixth), the new constitution reduced the role of elected lawmakers. In the 150-seat Senate, 76 members are elected and 74 are appointed by a committee of judges and members of independent government bodies; the 1997 constitution had mandated a fully elected Senate. Senators, who serve six-year terms, cannot belong to political parties. For the 480-seat lower chamber, the House of Representatives, the new constitution altered the system of proportional representation to curtail the voting power of the northern and northeastern provinces, where support for Thaksin remains strong. While 100 members were previously elected according to their parties' shares of the national vote, 80 members are now elected according to party performance in eight groups of provinces with 10 representatives each. The remaining 400 House members are elected in 157 multiseat constituencies. All serve four-year terms. The prime minister is elected from among the House members. King Bhumibol Adulyadej remains head of state, and while he has little responsibility in day-to-day politics, he retains tremendous moral and symbolic influence, particularly in times of national or constitutional crisis.

To bolster the military's position ahead of the December 2007 elections, the CNS-appointed legislature passed the Internal Security Act (ISA) in November. The law created an Internal Security Operations Command (ISOC)—headed by the prime minister and the army chief, who serves as deputy director—that would have the authority to override civilian administration and restrict basic civil liberties to suppress disorder, even without a formal state of emergency. The ISA also provides legal immunity to those who commit human rights abuses under its auspices.

The December 2007 parliamentary elections proceeded without major violence



or disruptions and returned Thailand to civilian rule, but they were not free and fair. Martial law, declared nationwide after the 2006 coup and gradually reduced in scope thereafter, remained in effect in 25 provinces at the time of the elections. The emergency decree first applied to the restive southern provinces in 2005 was also still in place. The CNS generally maintained tight control over the electoral process and deliberately maneuvered to influence the outcome. The PPP in particular was targeted for harassment and intimidation by the military. Evidence of a CNS plan to "sabotage" the PPP, specifically by employing the state-run broadcast media, was published online after it was discovered. The CNS-appointed Election Commission found that the authorities had indeed acted with bias, but it dismissed the case on the grounds that CNS had done so to safeguard national security and therefore enjoyed constitutional immunity.

After the PPP won the elections and formed a coalition government with three smaller parties, the Election Commission in January 2008 disqualified three PPP politicians from taking up their House seats and launched investigations into 83 of the 480 lower-house members for voter fraud. Of the 83, 65 were members of the PPP, while just 6 were members of the opposition DP. In addition, DP members filed lawsuits against the PPP, claiming that the party was an illegal proxy for the banned TRT party, and that it had broken election rules by distributing recordings of Thaksin at campaign rallies. The Asian Network for Free Elections received numerous reports of vote buying by all major parties, suggesting that the Election Commission's enforcement actions were heavily slanted against the PPP. By October 2008, the commission had found members of the PPP and two of its coalition allies guilty of voter fraud and recommended them for dissolution. The Constitutional Court's December ruling in favor of those recommendations effectively brought down the PPP-led government.

Corruption ranked among Thais' top frustrations with the Thaksin government and was cited as part of the military's justification for the 2006 coup. Independent organizations such as the National Counter-Corruption Commission have since investigated Thaksin and his associates as well as members of the CNS cabinet, five of whom resigned after facing conflict-of-interest allegations in the fall of 2007. Thaksin's wife was convicted of tax evasion in July 2008 and sentenced to three years in prison, and in October, the Supreme Court ruled on the first of several corruption cases against Thaksin himself, sentencing him to two years in prison for helping his wife buy property from the state on favorable terms. However, Thaksin and his family avoided imprisonment by fleeing the country in August. The corruption probes also affected Thaksin's allies in the PPP. Three of the PPP government's ministers were suspended in August after being implicated in a lottery scheme at the center of one of the Thaksin cases. Also during the year, the PPP speaker of the lower house of parliament was found guilty of vote buying in July, and the health minister resigned in November over his alleged failure to disclose his wife's shareholdings. Thailand was ranked 80 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The 2007 constitution restored freedom of expression guarantees that had been eliminated by the 2006 coup. The draconian 1941 Printing and Publishing Act, which reserved the government's right to shut down media outlets, was replaced with the less restrictive Publishing Registration Act in late August 2007. However, critics

argued that the law placed journalists at greater risk by dropping rules that had automatically included newspaper editors and publishers in defamation suits brought against their writers. Harsh defamation provisions remain in the penal code, and suits have often been used to silence government critics. A Computer Crimes Act that took effect in July 2007 assigns significant prison terms for the publication of false information deemed to endanger the public or national security. The country's lese majeste laws, which allow anyone to file a police complaint against another for defaming the monarchy and include penalties of up to 15 years in prison, have increasingly been used to stifle free expression.

Print publications are for the most part privately owned and have been subject to fewer restrictions than the broadcast media; Thailand's six main television stations and all 525 radio frequencies are monopolized by the government and military. The CNS government in 2007 had closed down Thailand's only independent television station. In 2008, the PPP government accused Asia Satellite Television (ASTV)—owned by one of the leaders of the PAD—of inciting violence for airing round-the-clock coverage of the antigovernment protests. The authorities routinely block websites, often for content that is seen as offensive to the monarchy. The Ministry of Information and Communications Technology sought court orders to shut down about 400 websites in September 2008 and advised internet-service providers to block another 1,200. In October, the ministry announced plans to build an internet gateway that would improve its ability to block defamatory content.

The 2007 constitution prohibits discrimination based on religious belief. There is no official religion, but the constitution requires the monarch to be a Buddhist, and speech considered insulting to Buddhism is prohibited by law. The conflict in the south—which pits ethnic Malay Muslims against ethnic Thai Buddhists—continued to undermine citizens' ability to practice their religion in 2008, although the number of violent incidents decreased from the previous year. Buddhist monks reported that they were unable to travel freely through southern communities to receive alms. Muslim academics and imams faced government scrutiny, and a number of Muslim teachers were arrested for allegedly supporting insurgent activity. In March 2008, an imam died in custody after being detained by the army, and his relatives reported that his body showed signs of torture. The southern provinces remained subject to martial law and an emergency decree, which had been in effect since 2006 and 2005, respectively; the nationwide martial law imposed after the 2006 coup had been lifted in the rest of the country by April 2008. Both measures sharply curtailed basic civil liberties and gave security forces sweeping powers. By the end of 2008, more than 3,500 people had been killed since the beginning of the insurgency in 2004.

The 2007 constitution restored freedom of assembly guarantees, and major political protests were ongoing for much of 2008. After PAD protesters occupying the seat of government clashed with members of the progovernment DAAD in early September, judges issued arrest warrants for at least nine PAD leaders, who were charged with illegal assembly, inciting arrest, and insurrection. The last charge, which carries a sentence of life imprisonment or even the death penalty, was later dropped. In early September, the government announced a state of emergency in Bangkok, prohibiting the gathering of more than five people for a protest and allowing the military to ban media reports. However, the military did little to enforce the restric-

tions, and the protests continued; the emergency decree was lifted after two weeks. Police used tear gas and rubber bullets in an effort to disperse demonstrators who had set up a blockade outside the parliament building on October 7, and the ensuing violence killed three people and injured hundreds of others. Deputy Prime Minister Chavalit Yongchaiyudh resigned that day, admitting partial responsibility for ordering the police to attack. Protests continued through November, with the PAD blockading Bangkok's airports, but the demonstrations died down after the removal of the PPP government in December.

Thailand has a vibrant nongovernmental organization (NGO) community, with groups representing farmers, laborers, women, students, and human rights interests. However, according to the U.S. State Department's 2008 human rights report, NGOs that dealt with sensitive political issues or obstructed government-backed development projects faced harassment. Human rights groups focused on the volatile southern provinces reportedly met with intimidation by both sides in the conflict. Private associations are legally required to register with the government, but the rule is not observed in practice.

Thai trade unions are independent, though fewer than 4 percent of the workforce is unionized. More than 50 percent of state-enterprise workers are unionized, however. According to the U.S. State Department's 2008 human rights report, low rates of labor organization can be attributed to the fact that unions are not permitted in the sizable agricultural and informal sectors, and to efforts by the government and the private sector to diminish union cohesion. Labor laws allowing certain workers to join unions, collective bargaining, and protections against compulsory labor are poorly enforced. Exploitation and trafficking of migrant workers from Burma, Cambodia, and Laos are ongoing problems, as are child and sweatshop labor. In August 2008, the driver of an unventilated truck in which 54 Burmese migrants had suffocated in April 2007 was sentenced to three years in prison.

The 2007 constitution restored judicial independence and reestablished an independent Constitutional Court, although the new panel was perceived to hold a bias against Thaksin and his political allies. A separate military court adjudicates criminal and civil cases involving members of the military, as well as cases brought under martial law. Sharia (Islamic law) courts hear certain types of cases pertaining to Muslims. In 2008, the Thai courts played an important role in resolving political disputes, generating complaints of judicial activism and political bias. Key rulings during the year resulted in the removal of two prime ministers, the speaker of the lower house, and the foreign minister, as well as the dissolution of the ruling party and a transfer of power to the opposition.

Pretrial detention—often lasting up to 84 days in criminal cases—is a serious problem, and trials frequently take years to complete. Prison conditions are dire, with inmates and detainees facing shackling and abuse by police and military personnel. State officials are rarely prosecuted for such acts. According to an August 2008 International Crisis Group report, a range of paramilitary forces and civilian militias operating alongside the military and police are impeding efforts to defeat the insurgency in the southern provinces; despite its reputation for human rights abuses and corruption, the "ranger" paramilitary force has been tripled in size by the army since the violence erupted in 2004. Reports of extrajudicial killings, arbitrary arrests, and torture by security forces in the south continued in 2008. Separately, a panel

formed in 2007 to investigate at least 1,300 killings stemming from Thaksin's 2003 "War on Drugs" campaign concluded in 2008 that over half of those killed had no links to the drug trade. Meanwhile, the Samak government took measures to resume the antidrug campaign, and Human Rights Watch reported the killing of at least four alleged drug traffickers during the year.

Many of the estimated one million members of hill tribes have never been fully integrated into society. Half of hill-tribe members reportedly lack citizenship, which renders them ineligible to vote, own land, attend state schools, or be protected under labor laws. They are required to carry identification cards, their movement is restricted, and they continue to face forced eviction and relocation. In addition, an estimated 140,000 Burmese refugees live in camps along the Burmese border. Thai authorities continued to forcibly repatriate Burmese and Laotian refugees in 2008.

Rape, domestic abuse, HIV/AIDS, prostitution, and the trafficking of women and children all present critical challenges. Thai government records indicate that the number of domestic abuse cases per day has multiplied since 2002. Rape is illegal, and there are a range of penalties for sexual assault. Some 200,000 to 300,000 Thai women and children work as prostitutes, according to NGO estimates, and sex tourism remains a problem. Authorities prosecute relatively few traffickers, and many police, soldiers, local officials, and immigration officers reportedly are involved in trafficking or take bribes to ignore it. More than 1 percent of adult Thais are infected with HIV/AIDS. Aggressive prevention and treatment policies, especially a program launched in 2004 to provide HIV-positive people with antiretroviral drugs, have reduced both the number of new HIV/AIDS cases and the number of deaths from the disease; however, the numbers began increasing in 2007 due to Thaksin's nonintervention strategy.

## Togo

**Population:** 6,800,000

**Capital:** Lome

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5NF	5,5PF	5,5PF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	5,5NF	5,5PF

### Overview:

To appease international donors in 2008, President Faure Gnassingbe appointed a nonpartisan prime minister and began discussions on the formation of a truth and reconciliation commission to investigate past injustices. Relations between the government and opposition remained tense during the year, but there were no new reports of political or ethnic violence.

After World War I, the German colony of Togoland was divided between the British and French under League of Nations mandates. The British portion was integrated into Ghana, and the French portion gained independence as Togo in 1960. Gnassingbe Eyadema, then a demobilized sergeant, overthrew the civilian government in a bloodless coup in 1967. Using mock elections and a loyal military, he then presided over close to 40 years of repressive rule—the longest reign of any leader on the continent.

In 1991, under pressure from European governments, Eyadema agreed to set up a transitional government and prepare for free elections. However, his soldiers and secret police attacked opposition supporters, ultimately forcing thousands to flee abroad, and the transitional government was later dissolved. A series of elections were held during the 1990s under a new constitution approved in 1992, but military harassment and legal manipulation ensured that Eyadema and his Rally of the Togolese People (RPT) party remained in power. The president secured a new five-year term with 57 percent of the vote in 2003, compared with 34 percent for Emmanuel Bob-Akitani, who ran for the opposition Union of Forces for Change (UFC) after candidate Gilchrist Olympio was eliminated through a manufactured technicality.

Eyadema died in February 2005, and the military quickly installed his son, Faure Gnassingbe, in his place. Protests and opposition activity were formally banned for two months after Eyadema's death; demonstrations were nonetheless frequent, and the law enforcement response was brutal.

Under international pressure, Gnassingbe held an April 2005 election that confirmed him as president. While the results were endorsed by the Economic Community of West African States (ECOWAS), other observers noted the presence of a million phantom voters on the electoral rolls, widespread intimidation, and the enforcement of a complete communications blackout on election day. Subsequent clashes between opposition supporters and security forces killed almost 500 people, injured thousands, and forced 40,000 to flee the country. UN investigators found that most of those killed were attacked in their homes, and that security forces bore the greatest responsibility.

In August 2006, the promise of renewed economic aid from the European Union (EU)—which had cut off support in 1993—spurred the RPT and opposition parties to agree to form a government of national unity, create an independent electoral commission, and schedule legislative elections. The UFC pulled out of the agreement less than a month later, claiming that Gnassingbe had reneged on a promise to grant the interim premiership to a UFC member.

The RPT won 50 of the 81 National Assembly seats in the October 2007 elections. The UFC secured 27, while the Action Committee for Renewal (CAR), another opposition party, captured the remainder. Many observers attributed the RPT's victory to a lopsided electoral system in which the sparsely populated regions in the north have the same number of constituencies as the densely populated areas in the south, where the UFC is strongest. Consequently, the RPT won 62 percent of the legislative seats with just 39 percent of the vote. The UFC alleged fraud, but most international election monitors deemed the polls to have been transparent.

Rather than sharing parliamentary posts with UFC members in keeping with the August 2006 agreement, the RPT appointed party loyalists to the positions of speaker and deputy speaker in late November 2007. Gnassingbe appointed Komlan Mally,

an RPT central committee member, to be prime minister a week later in December. The president also eliminated a rival within the RPT by excluding his half-brother, Defense Minister Kpatcha Gnassingbe, from the new cabinet and taking up the defense portfolio himself.

In an effort to appease international donors, Gnassingbe replaced Mally in September 2008 with Gilbert Fossoun Hougbo, a nonpartisan technocrat who had most recently served as department head of the Africa Section at the UN Development Programme. While donors praised the new appointment, it did not help the RPT's relations with the political opposition.

The EU has restored full economic aid to Togo, making it eligible for 123 million euros (US\$160 million) worth of funding over the next four years. In February 2008, the World Bank and the International Monetary Fund (IMF) also resumed cooperation, approving the country for debt relief under the Highly Indebted Poor Countries Initiative; Togo's external debt was estimated to total more than \$2 billion.

### Political Rights and Civil Liberties:

Togo is not an electoral democracy. Despite international consensus that the 2007 legislative elections were relatively free and fair, the 2005 presidential vote was blatantly fraudulent and marked by serious violence. The president is elected to five-year terms and appoints the prime minister. Members of the 81-seat, unicameral National Assembly are also elected to five-year terms. The ruling RPT remains the dominant party, but the opposition UFC and CAR parties won a significant share of seats in the 2007 legislative polls.

Corruption continues to be a serious impediment to development and stability, and the government took no significant steps to tackle the problem in 2008. Togo was ranked 121 of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech and freedom of the press are guaranteed by law. In 2004, the president abolished prison sentences for libel and prohibited the seizure or closure of media outlets without judicial approval. Nonetheless, these changes have been infrequently respected in practice and were blatantly disregarded during the 2005 presidential election. Self-censorship remained widespread in 2008 due to the prevailing impunity for crimes against journalists. Widely respected journalist Daniel Lawson-Drackey, who had been arrested in 2007 after accusing a cabinet minister of corruption, continued to be held without prosecution at the end of 2008, but there were no new reports of attacks or harassment aimed at journalists. The government runs Togo's only daily newspaper, *Togo Press*, as well as the only national television station. Private print and broadcast outlets exist, but they are limited in capacity and often heavily politicized. Access to the internet is generally unrestricted, despite reports that its content is monitored by the government; however, few people use the internet due to high costs.

Constitutionally protected religious freedom is generally respected, though tensions sometimes arise between Togo's Christian majority and Muslim minority. Islam and both Roman Catholic and Protestant Christianity are recognized as official religions, but other religious groups must register as associations. A number of groups have been denied registrations in recent years, but no such refusals were reported in 2008.

While government informers and security forces are believed to maintain a presence on university campuses and in other public places, ordinary citizens are now able to speak more openly and critically than in previous years. In 2008, the government dispensed with enrollment fees for primary school, but most schools reported that they did not receive the resources to cope with an influx of new students.

Freedoms of assembly and association have not historically been respected in Togo. All demonstrations were banned following President Gnassingbe Eyadema's death in 2005, and advance notice is still required for political demonstrations. However, during the 2007 elections, opposition parties held rallies without crackdowns by the security forces, and there were no reports of demonstrations being prevented in 2008. Togo's constitution includes the right to form and join labor unions, with an exception for "essential" workers such as security personnel, and unions have the right to bargain collectively.

The judicial system is understaffed, inadequately funded, and heavily influenced by the presidency. As agreed in August 2006, the government reorganized the Constitutional Court in 2007. However, the changes were superficial, as six of the nine judges were chosen by the RPT-dominated parliament and the other three were appointed by the president.

Human rights groups and victims have repeatedly called for the prosecution of those responsible for the campaign of extrajudicial killings, abductions, and intimidation linked to the 2005 presidential election. In April 2008, President Faure Gnassingbe launched an internationally funded "national consultation" to test the waters for a truth and reconciliation commission required under the 2006 political accord. The government is consulting 3,000 Togolese citizens as part of this endeavor, including a number living abroad. Gnassingbe reportedly favors a commission authorized to dispense financial compensation to victims but not to prosecute perpetrators. Also in 2008, the president appointed Yakoubou Hamadou, an independent civil society member and the president of the Togolese League of Human Rights, to serve as minister of human rights.

Discrimination is common among the country's 40 ethnic groups, and tensions have historically divided the country between north and south. The army has traditionally been composed of soldiers from the president's northern Kabiye ethnic group. A law passed in early 2007 mandated that the military be kept separate from the political system and permitted women to serve. While implementation of the measure remains uncertain, the security forces performed well in ensuring peace during the October 2007 elections. There were no reports of political or ethnic violence in 2008.

Despite constitutional guarantees of equality, women's opportunities for education and employment are limited. A husband may legally bar his wife from working or choose to receive her earnings. Customary law discriminates against women in divorce and inheritance, giving them the legal rights of minors.

As in much of West Africa, child trafficking for the purpose of slavery is a serious problem in Togo. A child-trafficking law was approved in 2005, but inconsistencies in the measure have since made implementation difficult and prosecutions rare. In 2007, the Ministry of Child Protection set up a center to give vocational training to destitute children, and a number of trafficking victims have been sent there before returning to their families.

# Tonga

**Population:** 100,000  
**Capital:** Nuku'alofa

**Political Rights:** 5  
**Civil Liberties:** 3  
**Status:** Partly Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,3PF	5,3PF	5,3PF	5,3PF	5,3PF	5,3PF	5,3PF	5,3PF	5,3PF	5,3PF

### Overview:

**In Tonga's April 2008 Legislative Assembly elections, prodemocracy candidates took six of the nine directly elected seats. Lawmakers passed legislation in July that established a commission to determine necessary reforms for the 2010 legislative elections, including the role of the monarch and the composition and selection of the legislature. The king also ceded power to the prime minister in July on all daily affairs.**

Tonga consists of 169 islands that King George Tupou I united under his rule in 1845. It became a constitutional monarchy in 1875 and a British protectorate in 1900, gaining independence in 1970 as a member of the Commonwealth. King Taufa'ahau Tupou IV ruled from 1945 to 2006. His son, Crown Prince Tupouto'a, assumed the title King Siaosi Tupou V in 2006 and was officially crowned in August 2008 in a ceremony that cost \$2 million.

Politics and the economy are dominated by the monarchy, hereditary nobles, and a few prominent commoners. Prodemocracy candidates were first elected to the parliament in 2002, winning seven of nine directly elected seats for commoners. Prodemocracy candidates again won the majority of commoners' seats in the 2005 elections, and for the first time, two "people's representatives" joined the cabinet. Growing public demand for political reform pushed the king in 2005 to approve the formation of a constitutional review committee chaired by Prince Tu'ipelehake, his nephew and a prominent democracy advocate. The prince was killed in a car accident in 2006, however, which was a major blow to the prodemocracy movement.

In October 2006, the National Committee for Political Reform submitted its report to the government, recommending a parliament with 17 members elected by the people and 9 by the 33 nobles, and a prime minister and cabinet chosen from among the lawmakers. The government offered a counterproposal under which the king would retain the power to appoint the prime minister and cabinet and include individuals from outside the legislature. Prodemocracy activists rejected this counterproposal and launched a protest on November 17 that quickly escalated into a riot that left several people dead, hundreds injured, and 80 percent of the capital's business district in ruins. The king declared a state of emergency, and repeated renewals kept it in place at the end of 2008.



Nearly 700 people were arrested in connection with the riots. Several prominent prodemocracy activists and five lawmakers alleged to have instigated the riots were charged with sedition. In April 2008, the government said it would create a "Royal Watchmen" unit for security in the capital, and a New Zealand national, Chris Kelley, was named the new police commissioner in July.

In the April 2008 legislative elections, 71 candidates, including 8 women, competed for 9 elected seats. The Human Rights and Democracy Movement won 4 seats, the People's Democratic Party captured 2 seats, and independents took the remaining 3 popularly elected seats. Voter turnout was 48 percent, and there were no reports of serious fraud or irregularities.

The new parliament passed legislation in July 2008 to establish a five-member Constitution and Electoral Commission to determine necessary reforms for the 2010 legislative elections, including the role of the monarch, the privy council, and the composition and selection of the legislature. Former chief justice Gordon Ward was named chairman of the commission. Also in July, the king ceded power on all day-to-day affairs to the prime minister and will receive guidance from the prime minister on major decisions.

Tonga is heavily dependent on foreign aid and remittances from Tongans overseas. In 2008, new customs duty tariff and tax systems were adopted to prepare Tonga for entry to the World Trade Organization. The rebuilding of the capital's commercial center, much of which was destroyed during the 2006 riots, began in November with significant Chinese government assistance and private contractor involvement.

**Political Rights and Civil Liberties:** Tonga is not an electoral democracy. Following the 2006 riots, talks between the king and prodemocracy advocates resulted in an agreement, which will be enacted with the 2010 parliamentary elections, in which the unicameral Legislative Assembly will consist of 17 popularly elected representatives, 9 nobles elected by their peers, and 2 governors and 2 ministers appointed by the king. Until then, the parliament will have 9 popularly elected members, 9 nobles elected by their peers, 10 members of the privy council, and 2 governors selected by the king. The king appoints the prime minister and the cabinet; Fred Sevele, the prime minister, was appointed in 2006 and is the first commoner to hold the position.

There are several budding political parties, and prodemocracy candidates typically align with the Human Rights and Democracy Movement, which is not a formal party.

Widespread official corruption is a source of public discontent. The royals, the nobles, and their top associates have allegedly used state assets for their personal benefit. The government's practices of not publicly releasing draft budgets and bills and charging a fee to obtain court papers restrict transparency and public involvement in policy decisions. Tonga was ranked 138 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Despite constitutional guarantees of press freedom, the government has a history of suppressing media criticism. A Department of Information, formed at the end of 2007, oversees all media reporting. Reporters and editors of the prodemocracy newspaper *Kele 'a* have faced defamation and sedition charges for articles critical of the monarchy and government officials; some of these have resulted in fines for the

newspaper. In the run-up to the 2008 parliamentary elections, the government pressured the state-owned Tongan Broadcasting Commission to pull a series of paid political advertisements by candidates competing for the legislature's popularly elected seats. Nevertheless, letters to the editor and commentaries critical of the government appear regularly in all newspapers, including those owned by the state or in which the state owns shares. The government does not restrict access to the internet, and the number of users is growing rapidly.

Freedom of religion is generally respected, but the government requires all religious references on broadcast media to conform to mainstream Christian beliefs. Academics reportedly practice self-censorship to avoid conflicts with the government.

Freedoms of assembly and association are upheld for apolitical or uncritical groups, but those engaging in protests and marches have reportedly suffered from government harassment. The state of emergency in force since the 2006 riots restricts public assembly in the capital. The 1963 Trade Union Act gives workers the right to form unions and to strike, but regulations for union formation were never promulgated. In January 2008, government workers who had been fired for signing a petition to protest their unlawful dismissal associated with a major public service strike in 2006 filed suit against the government; no decisions in the case had been reached at year's end.

The judiciary is generally independent and efficient, and traditional village elders frequently adjudicate local disputes. Criminal suspects may exercise the right to an attorney and a court hearing. There are no reports of prisoner abuse.

Tensions between Tongans and ethnic Chinese, the single largest minority group, have worsened in recent years, largely due to resentment stemming from the perceived Chinese domination of the economy.

Women enjoy equal access to education and health care and receive fairly equal treatment in employment. Women hold several senior government jobs, including cabinet positions and the majority of commissioned officer posts in the police force. Nevertheless, women cannot own land, and domestic violence against women is not uncommon.

## Trinidad and Tobago

**Population:** 1,300,000  
**Capital:** Port-of-Spain

**Political Rights:** 2  
**Civil Liberties:** 2  
**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	2,2F	3,3PF	3,3PF	3,3PF	3,3PF	3,2F	2,2F	2,2F	2,2F

### Overview:

**In 2008, Prime Minister Patrick Manning of the People's National Movement saw his popularity falter as Trinidad and Tobago was affected by the falling price of its energy exports and a rise in violent crime.**

Trinidad and Tobago, a member of the Commonwealth, achieved independence from Britain in 1962 and became a republic in 1976.

Prime Minister Patrick Manning of the People's National Movement (PNM) returned to the premiership in December 2001 after a previous term in office from 1991 to 1995. Disputed elections in 2001 resulted in an evenly divided lower house, and Manning sought to break the deadlock by calling fresh elections in October 2002. The PNM won 20 of the chamber's 36 seats, but the opposition United National Congress (UNC) also had a strong showing, reinforcing the dominance of the two parties. The UNC became increasingly confrontational in 2003, forcing the government to compromise when legislation required a two-thirds majority. In June 2005, the country's Elections and Boundaries Commission approved the creation of 5 new electoral constituencies, for a total of 41. The change was designed to prevent a recurrence of the 2001 electoral tie.

Former prime minister Baseo Panday was sentenced to two years of hard labor in April 2006 for having failed to declare London bank accounts that he held while serving as prime minister in the late 1990s. He retained the UNC chairmanship while appealing his conviction, which was overturned in April 2007. Nevertheless, the UNC was embroiled in infighting, and several high-level defections fueled speculation that a three-party system could emerge. In September 2006, former UNC leader Winston Dookeran created a new party, Congress of the People.

Manning handily won another term in office in the November 2007 elections, with the PNM capturing 26 of the 41 seats in the lower house. The UNC won the remaining 15, leaving Congress of the People shut out of Parliament. About half of the country's one million registered voters cast their ballots, a lower turnout than in previous elections.

High levels of violent crime in 2007 and early 2008 prompted the opposition and the public to call for the government to declare a state of emergency in January 2008.

Instead, Prime Minister Manning encouraged Parliament to focus on crime-reducing measures, which by year's end produced police management and training reform, a special anticrime unit, and a ramped-up effort to fight gang- and drug-related crime. Trinidad and Tobago's murder rate is among the highest in the region, with over 500 homicides reported in 2008. In May, Amnesty International criticized the country's police force for civilian deaths that occurred during police shootouts, and a parliamentary report identified lack of discipline within the police force as a major problem.

Trinidad and Tobago is the biggest supplier of liquefied natural gas to the United States and the world's top exporter of methanol and ammonia, but its growth rate slipped in 2008 due to declining energy prices.

### Political Rights and Civil Liberties:

Trinidad and Tobago is an electoral democracy. The November 2007 elections, in which Manning was reelected president, were generally considered to be free and fair by observers. A Caribbean Community (CARICOM) electoral observation mission reported that voting was orderly and peaceful, which represented a marked reduction in tension compared to previous elections. The president is elected to a five-year term by a majority of the combined houses of Parliament, though executive authority rests with the prime minister. Parliament consists of the 41-member House of Representatives, elected for five years, and the 31-member Senate, also serving for five years. The president appoints 6 senators on the advice of the opposition, 16 on the advice of the prime minister, and 9 at his own discretion.

Political parties are free to organize, but in practice, the dominance of the PNM and UNC has led to a two-party system. The parties are technically multiethnic, but in practice, the PNM is favored by Afro-Trinidadians, while the UNC is affiliated with Indo-Trinidadians.

Trinidad and Tobago is believed to suffer from high levels of official corruption. An Integrity Commission, established under the 2000 Integrity in Public Life Act, has the power to investigate the financial and ethical performance of public functionaries. Former prime minister Basdeo Panday of the UNC was the first person to be investigated by the commission. He was sentenced in April 2006 to two years in prison for failing to declare overseas bank accounts, but the conviction was overturned in 2007. Trinidad and Tobago was ranked 72 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech is legally guaranteed by the constitution. Press outlets are privately owned and vigorous in their pluralistic views. There are four daily newspapers and several weeklies, as well as both private and public broadcast media outlets. In 2007, noted Islamic broadcaster Inshan Ishmael was arrested under the 2005 Anti-Terrorism Act for promoting a nation-wide strike, and his *Breaking Barriers* television show was pulled off the air; however, the charges were later dropped. In 2008, the Telecommunications Authority of Trinidad and Tobago completed three rounds of consultations on a new broadcasting code for radio and television broadcasters which would seek to restrict the content and nature of programming. The press has become incrementally more professional in recent years. Access to the internet is not restricted.

Freedom of religion is guaranteed under the constitution, and the government

honors this provision. Foreign missionaries are free to operate, but the government allows only 35 representatives of each denomination. Academic freedom is generally observed.

Freedoms of association and assembly are respected. Civil society in Trinidad and Tobago is relatively robust, with a range of interest groups engaged in the political process. Labor unions are well organized, powerful, and politically active, although union membership has declined in recent years. Strikes are legal and occur frequently.

The judicial branch is independent, though subject to some political pressure and corruption. As a result of rising crime rates, the court system is severely backlogged, in some cases for up to five years, with an estimated 20,000 criminal cases awaiting trial. The government permits human rights monitors to visit prisons, which are severely overcrowded.

The government has struggled in recent years to come to grips with the problem of violent crime. Many Trinidadians of East Indian descent, who are disproportionately targets of abduction, blame the increase in violence and kidnapping on government corruption and police collusion. Drug-related corruption extends to the business community, and a significant amount of money is believed to be laundered through front companies. The Proceeds of Crime Act of 2000 provides severe penalties for money laundering and requires that major financial transactions be strictly monitored. The government works closely with U.S. law enforcement agencies to track drug shipments in and out of the country. Corruption in the police force, which is often drug related, is endemic, and law enforcement inefficiency results in the dismissal of some criminal cases. The police have won praise, however, for establishing a branch of Crime Stoppers, an international organization that promotes community involvement in preventing and informing on crime through a telephone hotline.

Trinidad and Tobago is one of the few countries in Latin America and the Caribbean that is grappling with the problem of Islamic extremism. In 2007, a four-person terrorist plot to blow up a fuel line at JFK airport in New York involved a Trinidadian suspect, but no formal links were found to Jamaat al-Muslimeen, a small radical Muslim group that had staged a coup attempt in Port-of-Spain in 1991, causing 23 deaths.

The population is multiethnic, consisting of Afro-Trinidadians, Indo-Trinidadians, and those of mixed race. The Indo-Trinidadian community continues to edge toward numerical, and thus political, advantage. Accusations of racial discrimination are often leveled in Parliament, and racial disparities persist, with Indo-Trinidadians composing a disproportionate percentage of the country's upper class. However, the country's leadership does alternate among the two dominant parties, and voting does not occur on strict ethnic lines. Parties have loose ethnic affiliations, but are not strictly defined by ethnicity.

Gender discrimination is forbidden under the constitution, and women participate in high-level politics, including about one-sixth of the seats in the House of Representatives and one-fifth of the Senate's seats. Women are present in the public and private sectors, but men still dominate most leadership positions, and salary gaps continue to favor men. Domestic violence concerns remain quite significant. While serious crimes such as murder and rape are reported, other instances of abuse go unreported. In 2008, the head of the Family Planning Association, a local NGO, highlighted concerns about the high incidence of sexual abuse committed against children.

# Tunisia

Population: 10,400,000

Capital: Tunis

Political Rights: 7

Civil Liberties: 5

Status: Not Free



## Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	7,5NF	7,5NF

### Overview:

Throughout 2008, Tunisian security forces sporadically clashed with hundreds of nonviolent protestors in the mining town of Gafsa. Although some political prisoners were released during the year, the authorities continued the practice of restricting freedom of expression and systematically harassing and imprisoning opponents of the government.

Tunisia, which had been a French protectorate since 1881, gained its independence in 1956. The country was then ruled for more than 30 years by Habib Bourguiba, a secular nationalist who favored economic and social modernization along Western lines but who severely limited political liberties. Bourguiba succeeded in advancing women's rights and economic development, and his government was able to maintain strong relations with both the West and fellow Arab states.

In 1987, Prime Minister Zine el-Abidine Ben Ali ousted Bourguiba and seized the presidency in a bloodless coup. Ben Ali's rise to power had little effect on state policy. He continued to push market-based economic development and women's rights, but he also repressed political opponents. Independent journalists, secular activists, and Islamists faced imprisonment, torture, and harassment. The Islamists, particularly those in the banned movement Ennahda, were jailed following sham trials in the early 1990s.

Ben Ali has exhibited few signs that he intends to move Tunisia toward democratization and openness, and his hold on government institutions remains strong. He won the last presidential election in October 2004 with over 95 percent of the vote amid opposition boycotts and claims of fraud. Some political prisoners have been freed in recent years, and Ben Ali has publicly stated that the press and opposition should feel free to promote their ideas. However, the president's critics still face beatings and incarceration, and even political activists who are released from jail often have their movements monitored and restricted.

Tunisian authorities have been able to react with indifference to the complaints of local and international human rights groups largely because they are not backed by diplomatic pressure. Tunisia has not faced the kind of intense criticism from the United States or European Union (EU) that is applied to other Arab states; the pub-

lie statements that have been issued are not bolstered by threats to reduce diplomatic or economic ties. Tunisia is seen as a moderate Muslim ally in the fight against Islamic extremism, and U.S. and European officials are wary of alienating Ben Ali.

Throughout 2008, security forces sporadically clashed with hundreds of non-violent protestors in the mining town of Gafsa, arresting and charging dozens. In November, authorities released 21 political prisoners to commemorate the twenty-first anniversary of Ben Ali's rise to power. Nevertheless, many prisoners remain in custody, and authorities continued to crack down on activists and critical journalists throughout the year. Also during the year, the government blocked an internet site, and a journalist opposed to Ben Ali was beaten and warned to stop writing about the president and his family.

### **Political Rights and Civil Liberties:**

Tunisia is not an electoral democracy. President Zine el-Abedine Ben Ali has exercised authoritarian rule since ousting former president Habib Bourguiba in a 1987 coup. Beginning in 1989, he won four successive five-year terms in tightly controlled elections, either running unopposed or easily defeating token challengers. A 2002 referendum removed a constitutional three-term limit for the presidency, allowing Ben Ali to secure reelection in 2004 with over 95 percent of the vote, amid opposition boycotts and credible and widespread claims of fraud. The country is slated to have another round of presidential and legislative elections in 2009.

The president appoints the cabinet, the prime minister, and regional governors. The bicameral legislature, composed of a 189-seat Chamber of Deputies with five-year terms and a Chamber of Advisors with 126 members appointed or indirectly elected to six-year terms, is a rubber-stamp institution dominated by Ben Ali's party, the Constitutional Democratic Rally (RCD). The RCD dominates both chambers of the parliament and currently holds nearly 90 percent of the seats in the lower chamber. Parliamentary elections are neither free nor fair.

Opposition parties that are genuinely independent of state influence are weak and have almost no role in the formation of public policy. The state strictly monitors and severely curbs their activities. According to Human Rights Watch, a Tunis court in October 2007 ordered the eviction of the Progressive Democratic Party's weekly publication, *Al-Mawkef*, from its offices on the grounds that it had violated the terms of its lease. The party is one of the few critical independent movements in Tunisia.

Corruption in Tunisia is less prevalent than in some other Arab states, but those close to the president and his family have increasingly employed their positions for financial gain. Tunisia was ranked 62 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The situation for journalists in Tunisia is one of the worst in the Arab world. The government has enacted some cosmetic measures to placate external critics, but substantive change has yet to occur. A press law that, in theory, protects free expression remains largely ignored in practice. Tunisia continues to block free expression in print journalism, television, and radio, and is among the most aggressive governments in policing the internet. In the decades since Ben Ali became president, Tunisian journalists have been detained, physically assaulted, fired from their jobs, prevented from leaving the country, and subjected to seemingly arbitrary po-

lice surveillance. At times, thugs linked to the Tunisian secret police have physically assaulted opposition journalists or vandalized their property. Government-approved media regularly feature praise of Ben Ali and his associates, and criticism of Ben Ali is not tolerated. Tunisian authorities carefully monitor the work of foreign journalists, and those who offend the government can be expelled.

In August 2007, Omar Mestiri, an editor of the online magazine *Kalima*, faced defamation charges in a case brought by a lawyer associated with the state. The case was eventually dropped, but the lawyer who defended Mestiri had his office burned the following day. *Kalima's* internet news site was hacked and disabled in October 2008 and was still shuttered at year's end. Also in October, the government issued a summons for another editor at *Kalima* to appear in court for accusing the government of perpetrating the site's destruction. Independent journalist Slim Boukhdhir, who has written critically about Ben Ali's family and received a one-year prison sentence last year, was released in July 2008. By September, according to the New York-based Committee to Protect Journalists, Boukhdhir was briefly abducted, beaten, and ordered by plainclothes officers to stop writing about the president and his family. Throughout 2008, multiple issues of local and foreign publications were confiscated for addressing politically sensitive topics. Authorities blocked access to a large number of internet sites during the year, particularly news sites that have hosted material critical of the government.

Tunisia's official state religion is Islam, but the small population of local Jews and Christians are generally free to practice their religions. The government is more concerned with militant Islam and closely monitors mosques for extremist activity. The state provides funding for local mosques, which may remain open only during prayer time, and Imams are state appointed and salaried. In late 2006 and early 2007, government forces briefly fought what they described as armed Islamist militants for the first time in recent memory,

Authorities limit academic freedom. While academics may discuss sensitive topics with relative openness in private settings, the government does not allow these topics to be discussed at public forums.

Freedoms of association and assembly are guaranteed in the constitution, but the government restricts these rights in practice. Independent human rights organizations are repressed and harassed. According to Human Rights Watch, genuinely independent human rights groups are consistently denied legal recognition, and their "illegal" status is then used to restrict their operations. Lawyer Mohamed Abbou, who had been in jail since 2005 and had criticized the government in internet postings, was released in July 2007. He has since been monitored and was prevented from leaving the country on multiple occasions in 2007 and 2008. Many other activists and independent voices continue to be denied new passports or permission to leave the country.

Recognized labor organizations like the General Union of Tunisian Workers (UGTT) are progovernment in orientation. The UGTT endorsed Ben Ali's most recent presidential candidacy in 2004. Authorities limit independent labor activity, especially when it resembles or threatens to become organized political opposition.

Starting in January 2008 and again in May, June, and July, security forces violently clashed with demonstrators protesting the rising cost of living and other deteriorating socioeconomic conditions in the southern mining region of Gafsa. In May,



the government arrested dozens of individuals and charged them with disturbing public order and subordination. In a June demonstration, government forces killed one person as they violently dispersed a group of protestors. In the following months, the government detained and charged a number of opposition figures that marched in solidarity with protestors, most notably local activist and opposition party member Zakia Dhifaoui, who was sentenced to eight months in prison; four other activists received four-month sentences. In a November round of presidential amnesties commemorating the twenty-first anniversary of Ben Ali's rise to power, 21 protestors were reportedly pardoned, although many others remain in government custody.

The Tunisian judiciary lacks independence and regularly issues convictions in politically motivated cases. In 2008, the practice of detaining political activists continued unabated. Credible local and international sources report that detainees are routinely tortured in prison and in police custody. Throughout 2008, multiple credible sources continued to report that political prisoners are regularly denied access to medical treatment or the ability to perform religious rites. In August, authorities detained Tunisian human rights activist Tarek Soussi after he criticized a round of government arrests on al-Jazeera television. Soussi is active in a group called the International Association in Support of Political Prisoners (AISPP), which the authorities have described as "unrecognized." He has been charged with disseminating false information "in bad faith." If found guilty, he could face up to three years in prison.

On social policy, Tunisian authorities have been fairly progressive, especially in the area of women's rights. Women in Tunisia enjoy more social freedoms and legal rights than their counterparts in other Arab countries. The 1956 Personal Status Code grants women equal rights in divorce, and children born to Tunisian mothers and foreign fathers are automatically granted citizenship, which is not the case in many neighboring countries.

# Turkey

**Population:** 74,800,000

**Capital:** Ankara

**Political Rights:** 3

**Civil Liberties:** 3

**Status:** Partly Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,5PF	4,5PF	4,5PF	3,4PF	3,4PF	3,3PF	3,3PF	3,3PF	3,3PF	3,3PF

### Overview:

The parliament in February 2008 passed a constitutional amendment that would have eased the ban on Muslim headscarves in public universities, but the Constitutional Court overturned the measure in June. In July, the same court narrowly rejected the public prosecutor's request to ban the ruling Justice and Development Party for alleged antisecularist activities. Also during the year, officials proceeded with the trial of suspected members of a nebulous nationalist group that was accused of plotting to overthrow the government.

Turkey emerged as a republic following the breakup of the Ottoman Empire at the end of World War I. Its founder and the author of its guiding principles was Mustafa Kemal, dubbed Ataturk (Father of the Turks), who declared that Turkey would be a secular state. He sought to modernize the country through measures such as the pursuit of Western learning, the use of the Roman alphabet instead of Arabic script for writing Turkish, and the abolition of the Muslim caliphate.

Following Ataturk's death in 1938, Turkey remained neutral for most of World War II, joining the Allies only in February 1945. In 1952, the republic joined NATO to secure protection from the Soviet Union. However, Turkey's domestic politics have been unstable, and the army has forced out civilian governments on four occasions since 1960. The military, which sees itself as a bulwark against both Islamism and Kurdish separatism, has traditionally wielded great influence over the functioning of the government.

The role of Islam in public life has been one of the key questions of Turkish politics since the 1990s. In 1995, the Islamist party Welfare won parliamentary elections and joined the ruling coalition the following year. However, the army forced the coalition government to resign in 1997, and Welfare withdrew from power.

The governments that followed failed to stabilize the shaky economy, leading to an economic crisis in 2001 and growing discontent among voters. The Justice and Development (AK) Party, whose roots lay in the disbanded Welfare party, won a sweeping majority in the November 2002 elections. AK's leader, Recep Tayyip Erdogan, had previously been banned from politics after he was convicted of crimes against secularism for reading a poem that seemed to incite religious intolerance.

However, the party sought to distance itself from Islamism. Abdullah Gul served as its prime minister until the parliament changed the constitution, allowing Erdogan to replace him in March 2003.

Erdogan used AK's large parliamentary majority to pass a series of reforms linked to Turkey's bid to join the European Union (EU). Accession talks officially began in October 2005, but difficulties soon arose. Cyprus, an EU member since 2004, presented one obstacle due to Turkey's support for the Turkish Republic of Northern Cyprus, which was not recognized internationally. EU public opinion and some EU leaders expressed opposition to Turkish membership for a variety of other reasons. The reform process began to stall, and Turkish popular support for membership declined to about 50 percent, with an apparent parallel rise in Turkish nationalism.

President Ahmet Necdet Sezer's nonrenewable term ended in May 2007. The prime minister, who is responsible for nominating a presidential candidate for election by the National Assembly, chose Gul despite objections from the military and the secularist Republican People's Party (CHP). In a posting on its website, the army tacitly threatened to intervene if Gul's nomination was approved, and secularists mounted huge street demonstrations to protest the Islamist threat they perceived in his candidacy. An opposition boycott of the April presidential vote in parliament prevented a quorum, leading the traditionally secularist Constitutional Court to annul the poll. With his nominee thwarted, Erdogan called early parliamentary elections for July.

AK won a clear victory in the elections, increasing its share of the vote to nearly 50 percent. However, because more parties passed the 10 percent threshold for entering the legislature than in 2002, AK's share of seats actually decreased slightly to 340. The CHP together with its junior partner, the Democratic Left Party, won 112 seats. The Nationalist Movement Party (MHP) entered the assembly for the first time, with 70 seats. A group of 20 candidates from the pro-Kurdish Democratic Society Party (DTP) also gained seats for the first time by running as independents, since they did not have the national support required to enter as a party. Other independents won the remaining 8 seats. The MHP decided not to boycott the subsequent presidential vote, and Gul was elected president in August.

In an October 2007 referendum, voters approved constitutional amendments that, among other changes, reduced the presidential term to five years with a possibility for reelection, provided for future presidents to be elected by popular vote, and cut the parliamentary term to four years. The new parliament began drafting a new constitution, but progress stalled in 2008 due to CHP opposition.

Violence continued in the southeast in 2008. Kurdish separatists in the region had fought a 15-year guerrilla war against government forces until 1999, when rebel leader Abdullah Ocalan was captured. His Kurdish Workers Party (PKK) abandoned its ceasefire in 2004, and there are regular casualties among guerrillas, government forces, and occasionally civilians. In what critics claimed was a populist move with little military value, Turkish forces attacked PKK fighters based in northern Iraq in late 2007 and 2008.

### **Political Rights and Civil Liberties:**

Turkey is an electoral democracy. The 1982 constitution provides for a 550-seat unicameral parliament, the Grand National Assembly. Reforms approved in the 2007 referen-

dum reduced members' terms to four years, from five. The changes also envision presidential elections by popular vote for a once-renewable, five-year term, replacing the existing system of presidential election by parliament for a single seven-year term. The president appoints the prime minister from among the lawmakers. The prime minister is head of government, but the president has certain powers, including a legislative veto and the authority to appoint judges and prosecutors. The July 2007 elections were widely judged to be free and fair, with reports of more open debate on traditionally sensitive issues.

A party must win at least 10 percent of the nationwide vote to secure representation in the parliament. The opposition landscape changed in 2007, with the entrance of the MHP and representatives of the DTP into the legislature. By contrast, only the two largest parties—the ruling AK and the opposition CHP—won seats in the 2002 elections.

A party can be shut down if its program is not in agreement with the constitution, and this criterion is broadly interpreted. As many as 50 DTP members were arrested in 2007 for pro-Kurdish activities, and some were convicted; the DTP leader is currently in jail, and prominent member Leyla Zana was again sentenced to prison at the end of 2008. The DTP considers prosecutions of its sitting legislators to be unequal treatment, as the parliamentary immunity that is applied to other legislators is ignored in their case. At the end of 2007, the Constitutional Court began hearing a case to shut down the DTP on the grounds that it was linked to the PKK; the hearings were ongoing at year's end. Separately, the Constitutional Court in July 2008 ruled narrowly against banning AK for alleged antiseccularist activities, though the court did cut the party's treasury funding in half.

Long-standing tensions between the AK government and entrenched, secularist officials—including judges, prosecutors, military officers, and segments of the bureaucracy—had become much more public in January 2008, when alleged members of an ultranationalist group called Ergenekon were arrested. Additional arrests came in July, with suspects including military officers and journalists. A trial against 86 people charged with plotting attacks to provoke a military coup began in October and continued at year's end. Ergenekon was blamed for the 2006 bombing of a secularist newspaper and a court shooting that killed a judge the same year. Critics have accused the government of using the wide-ranging case to punish its opponents.

Reforms have increased civilian oversight of the military, but restrictions persist in areas including civilian supervision of defense expenditures. The military continues to intrude on issues beyond its purview, commenting on key domestic and foreign-policy matters. The fact that the military ultimately did not act on its tacit threats to disrupt the 2007 election of Abdullah Gul as president was considered a sign of progress.

Turkey struggles with corruption in government and in daily life. The AK government has adopted some anticorruption measures, but international reports continue to cite concerns, and allegations have been lodged against AK and CHP politicians. In 2008, outlets owned by media mogul Aydin Dogan accused Erdogan of involvement in a scandal involving the misuse of funds at a charity called Lighthouse. The prime minister in turn accused Dogan of retaliating for the government's refusal to grant business favors he had sought and called for a boycott of his publications, and the national broadcasting authority controversially ordered the clo-

sure of 11 unlicensed Dogan television channels. A German court presiding over charges related to the Lighthouse scandal has implicated the president of Turkey's broadcasting authority. Government transparency has improved under a 2004 law on access to information, and a new program launched in 2008 will train provincial governors in implementing the code of ethics. Turkey was ranked 58 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The right to free expression is guaranteed in the constitution, but legal impediments to press freedom remain. A 2006 antiterrorism law reintroduced jail sentences for journalists, and Article 301 of the 2004 revised penal code includes tight restrictions, allowing journalists and others to be prosecuted for discussing subjects such as the division of Cyprus and the 1915 mass killings of Armenians by Turks. Many have been charged under the article for crimes like insulting the armed services and denigrating "Turkishness"; very few have been convicted, but trials are time-consuming and expensive. An April 2008 amendment changed Article 301's language to instead prohibit insulting "the Turkish nation," with a maximum sentence of two instead of three years, but cases continue to be brought under that and other clauses. During the year, a publisher was sentenced to five months in prison for releasing a book about the 1915 massacres, and the owner and the editor of a Turkish-Armenian newspaper were sentenced for reporting on the views of Hrant Dink, an ethnic Armenian journalist who was murdered by a Turkish nationalist in 2007. In a positive development, a court overturned a government ban on reporting about Ergenekon in 2008, saying it was unjustified.

Media outlets report various other forms of interference, and cartoonists have complained of increasing censorship for their portrayals of the president and prime minister. Nearly all media organizations are owned by giant holding companies with interests in other sectors, which contributes to self-censorship by journalists. The internet is subject to the same censorship policies that apply to other media, and a bill passed in May 2007 allows the state to block access to sites deemed to insult Atatürk or whose content includes criminal activities. This law was used to block access repeatedly to the video-sharing website YouTube and several other websites in 2008.

Kurdish-language publications are now permitted, and television broadcasts in Kurdish began in 2006; a 2008 law allows one state-owned television channel to broadcast in Kurdish. However, Kurdish broadcasting is still restricted, Kurdish newspapers in particular are often closed down, and some municipalities and mayors in the southeast have faced criminal proceedings for communicating in Kurdish.

The constitution protects freedom of religion, but the state's official secularism has led to considerable restrictions in this predominantly Muslim country. Observant men are dismissed from the military, and women are banned from wearing headscarves in public universities and government offices. An AK-sponsored constitutional amendment that was passed in February 2008 with the support of the MHP would have allowed simple headscarves tied loosely under the chin in universities, but the CHP challenged the measure, and the Constitutional Court struck it down in June. In the interim, many universities had defied the changes and continued to enforce the total ban. Separately during the year, the parliament passed a new law that eases restrictions on religious foundations.

Three non-Muslim groups—Jews, Orthodox Christians, and Armenian Chris-

tians—are officially recognized, and attitudes toward them are generally tolerant, although they are not integrated into the Turkish establishment. Other groups, including non-Sunni Muslims like the Alevis, lack legal status, and Christian minorities have faced hostility; three Protestants were killed in April 2007 at a publishing house that distributed bibles.

The government does not regularly restrict academic freedom, but self-censorship on sensitive topics is common. An academic who suggested that the early Turkish republic was not as progressive as officially portrayed was sentenced to a 15-month suspended jail term in January 2008.

Freedoms of association and assembly are protected in the constitution. Prior restrictions on public demonstrations have been relaxed, but police sometimes monitor public meetings of nongovernmental organizations. Police clashed with demonstrators across the southeast in March 2008 on the occasion of a Kurdish seasonal festival; two men died of bullet wounds, more than 100 were arrested, and many others were injured. Police again cracked down on May Day protests in 2008 and arrested more than 500 people. A 2004 law on associations has improved the freedom of civil society groups, although 2005 implementing legislation allows the state to restrict groups that might oppose its interests. Members of local human rights groups have received death threats. Nevertheless, civil society is active on the Turkish political scene.

Laws to protect labor unions are in place, but union activity remains limited in practice. Some impediments were lifted in 2007 and further changes were proposed in 2008, but Turkey still does not comply with international standards on issues such as collective bargaining.

The constitution envisions an independent judiciary. The government in practice can influence judges through its control of appointments, promotions, and financing, though much of the court system is still controlled by strict secularists who oppose the current government. The judiciary has been improved in recent years by structural reforms and a 2004 overhaul of the penal code. The death penalty was fully abolished in 2004, and State Security Courts, where many human rights abuses occurred, were replaced by so-called Heavy Penal Courts. However, Amnesty International has accused the Heavy Penal Courts of accepting evidence extracted under torture. The court system is also undermined by procedural delays, with some trials lasting so long as to become a financial burden for the defense.

The current government has enacted new laws and training to prevent torture, including a policy involving surprise inspections of police stations that was announced in 2008. A government human rights report issued for the first time in 2008 found that the combined category of torture and ill-treatment was the third-most-common complaint in 2007, after property rights and health care. The Human Rights Foundation of Turkey has reported that the number of people subjected to violence or ill-treatment has increased slightly since 2005 after falling sharply overall since 2000. A man arrested for participating in a demonstration died in custody in October 2008, after he was allegedly beaten; 60 police and prison officials were indicted. Prison conditions can be harsh, with problems including overcrowding and practices like extended isolation in some facilities.

The Kurdish conflict in the southeast in the 1990s, in which more than 35,000 people were killed, has left a legacy of discrimination and a lower standard of living

in the region. In May 2008, Erdogan announced a five-year, US\$14.5 billion development plan to improve economic conditions there. Fighting between the PKK and the government in the southeast is ongoing. In other violence during the year, six people were killed in a July gun battle outside the U.S. consulate in Istanbul after an attempted attack by a radical Islamist group, and bombings in a residential district in Istanbul—blamed on Kurdish rebels—killed 17 people later that month.

The state claims that all Turkish citizens are treated equally, but because recognized minorities are limited to the three defined by religion, Kurds in particular have faced restrictions on their language, culture, and freedom of expression. The situation has improved with EU-related reforms, but official and informal discrimination remains, and alleged collaboration with the PKK can be used as an excuse to arrest Kurds who challenge the government. Kurdish-owned homes and businesses were attacked in October 2008 during riots after a Kurdish man drove his truck into a crowd of people with whom he had been arguing.

Property rights are generally respected in Turkey. However, tens of thousands of Kurds were driven from their homes during the conflict in the 1990s. Increasing numbers have returned under a 2004 program to address the problem, and some families have received financial compensation, but progress has been slow. Local paramilitary "village guards" have been criticized for obstructing returning families through intimidation and violence.

The amended constitution grants women full equality before the law, but the World Economic Forum ranked Turkey 121 out of 128 countries surveyed in its 2007 Global Gender Gap Index. Women held just 49 seats in the 550-seat parliament after the 2007 elections, though that was nearly double the previous figure. Domestic abuse and so-called honor crimes continue to occur; a 2007 study from the Turkish Sabanci University found that one in three women in the country was a victim of violence. Suicide among women has been linked to familial pressure as stricter laws have made honor killings less permissible. The 2004 penal code revisions include increased penalties for crimes against women and the elimination of sentence reductions in cases of honor killing and rape.

A 2008 Human Rights Watch report found that gay and transgender people in Turkey face "endemic abuses," including violence, and a local report found widespread discrimination, especially in the workplace. Istanbul's largest gay and transgender organization, Lambda, was shut down in 2008 for "immorality," and other groups have faced closure as well.

# Turkmenistan

**Population:** 5,400,000  
**Capital:** Ashgabat

**Political Rights:** 7  
**Civil Liberties:** 7  
**Status:** Not Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF

### Overview:

President Gurbanguly Berdymukhammedov oversaw the passage of a new constitution in 2008, but the political system was changed more in form than in substance. While the country continued to inch away from the bizarre and repressive legacy of long-ruling president Saparmurat Niyazov, who died in late 2006, progress toward a more free society remained minimal. New contacts with the outside world were generally limited to business and political leaders vying to secure access to Turkmenistan's massive natural gas reserves.

Turkmenistan gained formal independence from the Soviet Union in 1991. Saparmurat Niyazov, the former head of the Turkmenistan Communist Party, had been the sole candidate in elections to the newly created post of president in October 1990. After the adoption of a new constitution in 1992, he ran unopposed again and was reelected for a five-year term with a reported 99.5 percent of the vote. A 1994 referendum extended his term until 2002. In the December 1994 elections to the Mejlis (National Assembly), only Niyazov's Democratic Party of Turkmenistan (DPT), the former Communist Party, was permitted to field candidates.

In the 1999 Mejlis elections, every candidate was selected by the government and virtually all were members of the DPT. The Organization for Security and Cooperation in Europe (OSCE), citing numerous procedural inadequacies, refused to send even a limited assessment mission. The Mejlis unanimously voted in late December to make Niyazov president for life.

In November 2002, Niyazov survived an alleged assassination attempt in Ashgabat. The incident sparked a widespread crackdown on the opposition and perceived critics of the regime, drawing condemnation from foreign governments and international organizations. Early elections for the Halk Maslahaty (People's Council), a second legislative body, were held in 2003, and Mejlis polls were held in 2004. As in previous elections, candidates for both chambers were preapproved by the administration.

Niyazov's rule was marked by frequent government reshuffles, the gutting of formal institutions, the muzzling of media, and an elaborate personality cult. The *Ruhnama*, a rambling collection of quasi-historical and philosophical musings at-



tributed to Niyazov, became the core of educational curriculums. Limited information about the true state of affairs in Turkmenistan pointed to crises in health care, education, and agriculture.

Niyazov's death in December 2006 from an apparent heart attack was followed by the rapid and seemingly well-orchestrated ascent of Deputy Prime Minister Gurbanguly Berdymukhammedov to the position of acting president. The succession appeared to circumvent constitutional norms, as criminal charges were brought against Mejlis Speaker Ovezgeldy Atayev, who would have become acting president according to the constitution. Berdymukhammedov subsequently cemented his formal status, easily besting five obscure ruling-party candidates in a February 2007 presidential election that was not monitored by any international observers.

Berdymukhammedov removed Niyazov loyalists from high posts in 2007 and appeared to be firmly in control by 2008. He also took steps to phase out the cult of personality that had taken shape around his predecessor, ordering the removal of public portraits and a reduced emphasis on the *Ruhnama*. In August 2008, the Halk Maslahaty voted without public debate to approve a new constitution, effectively dissolving itself and dispersing its powers to the Mejlis and the president. Elections for an expanded Mejlis were held in December, but all of the nearly 300 candidates were preapproved by the presidential administration.

Berdymukhammedov changed Niyazov's isolationist foreign policy, visiting Saudi Arabia, China, Iran, the United States, and the European Union and improving long-strained ties with Azerbaijan. In April 2008, he attended a NATO summit in Romania, where he met with U.S. president George Bush amid reports of possible cooperation to support NATO operations in Afghanistan. Natural gas sales dominate Turkmenistan's relations with the outside world, with China building a new pipeline link to the country even as Russia strives to maintain control over the bulk of its gas exports and the European Union seeks access. An outside audit in 2008 confirmed the extent of Turkmenistan's gas reserves, ensuring continued fierce competition among foreign companies and governments to curry favor with the country's ruler.

**Political Rights and Civil Liberties:** Turkmenistan is not an electoral democracy. The late Saparmurat Niyazov wielded virtually absolute power, serving as "president for life" until his death in 2006. None of the country's elections—including the February 2007 vote that gave Niyazov's successor, Gurbanguly Berdymukhammedov, a five-year term in office—have been free or fair.

The Halk Maslahaty, a legislative body of 2,500 elected and appointed members, voted in August 2008 to approve a new constitution. In doing so, it dissolved itself and returned legislative power to the Mejlis (National Assembly). That body expanded from 50 to 125 members in the December 2008 elections. The new constitution also gives citizens the right to form political parties, although only one political party, the DPT, is officially registered at present.

Corruption is widespread, with public officials often forced to bribe their way into their positions. Profits from gas exports were entirely opaque under Niyazov, and the outcome of a financial audit ordered by Berdymukhammedov is unknown. The government announced the creation of a stabilization fund in October 2008 but

provided no further details. Turkmenistan was ranked 166 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech and the press is severely restricted by the government, which controls all broadcast and print media. Berdymukhammedov has promised universal internet access, but the country's few internet cafes are prohibitively expensive, and a government-run service provider controls access and reportedly blocks undesirable websites. Radio Free Europe/Radio Liberty (RFE/RL) contributor Sazak Durdymuradov was held in a psychiatric hospital for two weeks in the summer of 2008, and reported that he had been beaten and tortured in custody. The authorities have yet to allow a thorough investigation of the suspicious death of RFE/RL correspondent Ogulsapar Muradova, who died in custody in 2006.

The government restricts freedom of religion, and independent groups face persecution. While Niyazov declared in 2004 that practicing an unregistered religion would no longer be a criminal offense, it remains illegal, with violators subject to fines. Despite the 2007 release of former chief mufti Nasrullah ibn Ibadullah, who had been serving a 22-year prison sentence for treason, there has not been noticeable improvement in the state of religious freedom.

The government places significant restrictions on academic freedom, and the *Ruhnama* is still used throughout the school system. Reforms in 2007 undid some of the damage Niyazov had inflicted on education, but the concerted effort needed to reverse the situation has not yet been evident.

The constitution guarantees peaceful assembly and association, but these rights are severely restricted in practice. Sporadic protests, usually focused on social issues, have taken place; an increase in gasoline prices in February 2008 caused small demonstrations. While not technically illegal, nongovernmental organizations are tightly controlled, and Turkmenistan has no civil society sector to speak of. Valery Pal, a computer expert who assisted rights activists, was arrested in February 2008 and subsequently sentenced to a 12-year prison term for embezzlement, though he was released in an amnesty in December. Former political prisoner Gulgeldy Annaniyazov returned to Turkmenistan from Norway during the year, only to be arrested for illegally crossing the border.

The government-controlled Colleagues Union is the only central trade union permitted. There are no legal guarantees for workers to form unions or strike, though the constitution does not specifically prohibit these rights. Strikes in Turkmenistan are extremely rare.

The judicial system is subservient to the president, who appoints and removes judges without legislative review. The authorities frequently deny rights of due process, including public trials and access to defense attorneys. The new constitution bars judges and prosecutors from membership in political parties.

Prisons suffer from overcrowding and inadequate nutrition and medical care, and international organizations are not permitted to visit. Human Rights Watch reported in September 2008 that while the government has released some two dozen political prisoners since Niyazov's death, no coordinated review of cases has taken place. Nothing is known about the condition of jailed former foreign ministers Boris Shikhmuradov and Batyr Berdyev. Rights activists Annakurban Amanklychev and Sapardurdy Khajiev have remained behind bars since their 2006 convictions on dubious espionage charges.

Turkmenistan is a smuggling corridor for drugs from neighboring Afghanistan, with Niyazov-era reports suggesting the involvement of high-level officials in the narcotics trade as well as a growing problem of drug addiction within Turkmenistan.

Employment and educational opportunities for ethnic minorities are limited by the government's promotion of Turkmen national identity, although some of the more onerous Niyazov-era restrictions on the educational and cultural institutions of ethnic minorities were eased in 2007-08.

Freedom of movement is restricted, with a reported blacklist preventing some individuals from leaving the country.

A continuing Soviet-style command economy and widespread corruption diminish equality of opportunity, although some changes are taking place. The new constitution establishes the right to private property, but it remained unclear how this would be implemented. The government unified the commercial and official exchange rates in May 2008; while this was a necessary reform, it significantly reduced the value of the population's savings. Bread shortages in the capital were briefly reported in the second half of the year.

Traditional social and religious norms and a lack of employment prospects limit professional opportunities for women, and anecdotal reports suggest that domestic violence is common.

## Tuvalu

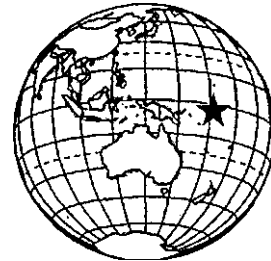
**Population:** 10,000

**Capital:** Funafuti

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**Due to the significant challenges posed by climate change and rising sea levels, as many as 100 Tuvaluans accepted an offer in 2008 by authorities in Niue to re-settle on this small island.**

The Gilbert and Ellice Islands, situated in the central South Pacific Ocean, became a British protectorate in 1892 and a British colony in 1916. Polynesian Ellice Islanders voted to separate themselves from the Micronesian Gilbertese in 1974. In 1978, the Ellice Islands became independent under the name of Tuvalu, while the Gilbert Islands became part of Kiribati.

The country has had several changes of government since 2001 due to intense

personal and political rivalries and the frequent use of no-confidence votes. Individual and tribal loyalties rather than formal party affiliations drive political alliances, and elected representatives frequently change sides while in office. This situation has sustained a decade-long debate over proposals to introduce direct popular elections for prime minister.

Disappointment with incumbent lawmakers prompted a large voter turnout—some 6,000 out of a population of 10,000—in the 2006 general elections, and newcomers took 7 of the 15 Parliament seats. Apisai Telemia, a former civil servant, was chosen as prime minister.

Global climate change and rising sea levels pose significant challenges to Tuvalu and other low-lying island states. In August 2008, the premier of Niue, a small island off the coast of New Zealand, offered refuge to Tuvaluans. As of late 2008, 100 Tuvaluans had accepted the invitation and migrated to the island.

### Political Rights and Civil Liberties:

Tuvalu is an electoral democracy. The 2006 elections were free and fair. The head of state, Britain's Queen Elizabeth II, is represented by a governor-general who must be a citizen of Tuvalu. The prime minister, chosen by Parliament, leads the government. The unicameral, 15-member Parliament is elected to four-year terms. A six-person council administers each of the country's nine atolls. Council members are chosen by universal suffrage for four-year terms.

There are no formal political parties, although there are no laws against their formation. Political allegiances revolve around geography and personalities.

Tuvalu is one of the few places in the Pacific Islands where corruption is not a serious problem. The country was not ranked in Transparency International's 2008 Corruption Perceptions Index.

The constitution provides for freedoms of speech and the press, and the government generally respects these rights in practice. The semipublic Tuvalu Media Corporation (TMC) operates the country's sole radio station as well as a television station. Human rights groups have criticized the TMC for limited coverage of politics and human rights issues, but there are no allegations of censorship or imbalances in reporting. The radio station, Radio Tuvalu, broadcasts a range of domestic and international programs, but financial constraints at the television station limit broadcast time and content variety. Many residents use satellite dishes to access foreign programming. There is one fortnightly newspaper, *Tuvalu Echoes*, which is also run by TMC. The government news sheet, *Sikuelo o Tuvalu*, is published in Tuvaluan. Internet access is largely limited to the capital because of cost and connectivity challenges, but authorities do not restrict access to the internet.

Religious freedom is generally respected in practice. Religion is a major part of life in this overwhelmingly Christian country, and Sunday service is typically considered the most important weekly event. Academic freedom is also generally respected.

The constitution provides for freedoms of association and assembly, and the government generally upholds these rights. Public demonstrations are permitted, and nongovernmental organizations (NGOs) provide a variety of health, education, and other services for women, youth, and the population at large. In July 2007, Parliament approved a bill allowing the incorporation of NGOs. The measure was expected to strengthen legal protection for civil society groups. Workers can freely

organize unions and choose their own representatives for collective bargaining. They also have the right to strike, but no strikes have occurred in Tuvalu's history. Public sector employees, numbering fewer than 1,000, are members of professional associations that do not have union status. With two-thirds of the population engaged in subsistence farming and fishing, Tuvalu has only one registered trade union—the Tuvalu Seaman's Union, with about 600 members who work on foreign merchant vessels. In December 2005, Tuvalu joined the International Labor Organization.

The judiciary is independent and provides fair trials. Tuvalu has a two-tier judicial system. The higher courts include the Privy Council in London, the court of appeal, and the high court. The lower courts consist of senior and resident magistrates, the island courts, and the land courts. The chief justice, who is also the chief justice of Tonga, sits on the high court about once a year. A civilian-controlled, 70-member constabulary force maintains internal order. Prisons are spartan, but there have been no reports of abuse.

Major sources of revenue for the state include the sale of coins and stamps, sale of tuna-fishing licenses to foreign fleets, and leasing of the country's internet domain name, ".tv," to foreign firms. Copra and handicrafts are Tuvalu's main exports. About 10 percent of the annual budget is derived from the Tuvalu Trust Fund, a well-run overseas investment fund set up by Britain, Australia, and South Korea in 1987 to provide development assistance.

There is general respect for human rights, but traditional customs and social norms condone discrimination against women and limit their role in society. Women enjoy equal access to education, but they remain underrepresented in positions of leadership in business and government. There are currently no women in Parliament. Violence against women is rare. Rape is a crime punishable by law, but spousal rape is not included in the definition. No law specifically targets sexual harassment.

## Uganda

**Population:** 28,500,000

**Capital:** Kampala

**Political Rights:** 5

**Civil Liberties:** 4

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,5PF	6,5PF	6,5PF	6,4PF	5,4PF	5,4PF	5,4PF	5,4PF	5,4PF	5,4PF

### Overview:

A scandal erupted in June 2008 involving the misuse of social security funds by government officials, raising concerns about rising levels of official corruption. Ethnic ten-

**sions also played out during the year in a sharp debate over legislation concerning land reform. Uganda remained embroiled in regional tensions, with unrest in neighboring Democratic Republic of Congo threatening the prospect of large-scale refugee flows into Uganda. Meanwhile, the long-running conflict with the rebel Lord's Resistance Army remained unresolved at year's end.**

In the years following its independence from Britain in 1962, Uganda experienced considerable political instability. President Milton Obote, an increasingly authoritarian leader, was overthrown by Major General Idi Amin in 1971. Amin's brutality made world headlines as hundreds of thousands of people were killed. His 1978 invasion of Tanzania finally led to his ouster, with Tanzanian forces and Ugandan exiles routing his army. After Obote returned to power in 1980 in fraudulent elections, he and his backers from northern Uganda savagely repressed their opponents, who were primarily from southern Ugandan ethnic groups.

Obote was overthrown a second time in a 1985 army coup. Conditions continued to worsen until the National Resistance Army, led by Yoweri Museveni, assumed power in 1986. Arguing that majoritarian political parties exacerbated religious and ethnic tensions in Africa, Museveni introduced a "no party" system with only one, supposedly nonpartisan, political organization—the National Resistance Movement (NRM)—allowed to operate unfettered. This system remained in place for two decades.

Museveni and the NRM comfortably won presidential and legislative elections in 2001. Museveni used state media and other resources to advance his candidacy, and the ban on most formal party activities further restricted the opposition. Most observers noted, however, that the voting was largely transparent and Museveni would have won in an open contest. The opposition, which claimed that the elections were rigged, boycotted subsequent parliamentary elections. Meanwhile, the NRM's comfortable legislative majority was buttressed by dozens of special-interest representatives, some from groups linked to the ruling party such as the army.

The National Assembly passed the Political Parties and Organizations Act in 2002, setting the conditions under which political parties could be registered and function fully. In response, the Constitutional Court ruled in 2003 that parts of the law were unconstitutional, as they effectively prevented political parties from carrying out their activities. Despite the ruling, the NRM continued to dominate the country's political life. In 2004, however, the Constitutional Court voided restrictions on the freedom of political parties to function. Ugandan voters in 2005 approved constitutional amendments that both lifted the ban on political parties and repealed the prohibition on sitting presidents running for a third term, allowing Museveni to seek reelection in 2006.

A leading Museveni opponent, Kizza Besigye of the Forum for Democratic Change (FDC), returned from exile in 2005 and announced his intention to run for president. He was subsequently arrested on charges of treason, terrorism, rape, and unlawful possession of firearms. Museveni defeated Besigye in the 2006 election with 59 percent of the vote, and the NRM also won a large majority in concurrent parliamentary elections. Besigye was later cleared of the rape charges, but the treason case remained outstanding at year's end.

In 2008, underlying ethnic tensions played out in a sharp debate over legislation

concerning land reform. In July, the government briefly arrested three leading members of the Buganda ethnic group who had spoken out against government legislation which would have facilitated the purchase of land in the Buganda Kingdom by non-Buganda.

Regional tensions, especially with the Democratic Republic of Congo (DRC), Rwanda, and Sudan, have continued in recent years. Unrest flared in the DRC during 2008, threatening the prospect of large-scale refugee flows into Uganda. Meanwhile, the vicious and long-running guerrilla war undertaken in northern Uganda by the Lord's Resistance Army (LRA), a cult-like Ugandan rebel movement with no clear agenda, remained unresolved. LRA leader Joseph Kony, who was indicted by the International Criminal Court in 2005, entered into intermittent peace talks with the government that continued throughout 2008, although Kony still refused to sign a final peace agreement at year's end.

Uganda is home to more than 500,000 people infected with HIV. As the result of concerted domestic and international efforts, the overall prevalence rate in the country is approximately 5.4 percent, more than 50 percent lower than in 1992, although UNAIDS reports that that the infection rate may be starting to climb again.

### **Political Rights and Civil Liberties:**

Uganda is not an electoral democracy. A long-standing ban on political party activity was formally lifted in 2005, and the two-term limit for presidents was removed at the same time. The president and the single-chamber National Assembly are elected for five-year terms. Of the current Assembly's 332 members, 215 are directly elected and 104 are indirectly elected from special-interest groups including women, the army, youth, the disabled, and trade unions. There are also 13 ex-officio seats held by cabinet ministers, who are not elected members of parliament and do not have voting rights.

The personalized nature of the Ugandan power structure was reflected in the 2006 parliamentary contest, in which a number of junior cabinet ministers were defeated while the ruling NRM won nearly two-thirds of the seats. The National Assembly has asserted some independence, censuring high-level executive officials and exercising oversight to influence a number of government actions and policies. However, there are significant concerns regarding the ability of opposition parties to compete with the NRM on a relatively level playing field. Opposition parties have protested restrictive party registration requirements and the dominant status of the NRM. Other controversial issues have included federalism, voter and candidate eligibility, the use of government resources to support NRM candidates, and the government's use of illegal paramilitary groups—such as the Kiboko Squad and the Black Mambas—to intimidate voters and political opponents. The independence of the Electoral Commission has also been frequently called into question by opposition political parties and independent observers. The army also occupies a position in politics incompatible with democratic principles; its representatives sit in the National Assembly and have openly campaigned in support of President Yoweri Museveni.

A 2007 Transparency International report concluded that although Uganda has certain legislative measures in place to combat corruption, the resources to enforce them are lacking. Institutions including the Inspectorate of Government, the Public Procurement and Disposal of Assets Authority, the Office of the Auditor General,

and the Director of Public Prosecutions are understaffed and underfinanced. These agencies have made some headway in the fight against corruption, and some governmental corruption has been reported in the media. In June 2008, evidence emerged that leading government officials had pressured the National Social Security Fund to pay inflated prices for land purchases; the fund's managing director and his deputy were suspended in December amid continuing investigations into the scandal. Uganda was ranked 126 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The constitution provides for freedom of speech. Independent print media outlets, including more than two dozen daily and weekly newspapers, are often highly critical of the government and offer a range of opposition views. Several private radio and television stations report on local political developments. Supported by legislation limiting press freedoms, however, the government has in recent years demonstrated increased intolerance of press freedom. A sedition law is applied selectively to journalists and others who hold views that are at variance with those of the NRM. In April 2008, three journalists with the private weekly *The Independent* were arrested following an article that accused the government of maintaining secret detention centers for suspected terrorists. According to the International Telecommunications Union, the number of internet service providers has grown rapidly in recent years, although access remains limited mostly to major urban centers. The authorities do not restrict internet usage.

There is no state religion, and freedom of worship is constitutionally protected and respected. Various Christian sects and the country's Muslim minority practice their creeds freely. Academic freedom is also generally respected.

Freedoms of association and assembly are officially recognized. Nongovernmental organizations (NGOs) make a significant contribution to Uganda's social, economic, cultural, and political life. They encourage the expression of different views and have been willing to address politically sensitive issues. However, the existence and activities of NGOs are vulnerable to the abuse of legal restrictions, including the manipulation of registration requirements. In 2006, parliament passed the government-sponsored NGO Registration Amendment Act, requiring all NGOs and Pentecostal churches to reregister with the Internal Affairs Ministry a year after their initial registration; the bill was opposed by the NGO sector.

According to the International Confederation of Trade Unions, despite repeated requests from the International Labor Organization (ILO), the government has delayed revising restrictive labor legislation that makes it difficult to unionize or strike. Many private firms refuse to recognize unions, and workers' rights are limited. The National Organization of Trade Unions, the country's largest labor federation, is largely independent of the government and political parties.

The executive does not guarantee the independence of the judiciary. Sensitive human rights issues, such as police brutality, rape, domestic violence, and vigilante justice, remain serious concerns. Prolonged pretrial detention, inadequate resources, the security forces' intermittent refusal to respect civilian courts, and poor judicial administration combine to impede the fair exercise of justice. In 2007, judges briefly went on strike to protest an invasion of the courts by security forces, which re-arrested alleged members of a guerrilla movement who had been granted bail. The Uganda Law Society noted that this episode reflected a broader problem of govern-



ment officials refusing to comply with certain judicial actions, and the Supreme Court's chief justice spoke out publicly on the lack of resources available to the judicial system. Also in 2007, the East African Court of Justice found Uganda guilty of violating the rule of law and the rights of its citizens by allowing its military to repeatedly interfere with court processes.

Prison conditions are difficult, especially in local jails. According to the International Centre for Prison Studies, as of 2007, there were over 26,000 individuals behind bars in the country's 224 prisons, twice the official capacity of the prison system. More than 500 prisoners die annually as a result of poor diet, sanitation, and medical care. Pretrial detainees constitute more than half of the prison population. Critics have warned that the 2002 Suppression of Terrorism Act—which defines as a terrorist act any act of violence or threat of violence for political, religious, economic, or cultural ends—could be used against political opponents.

The numbers of internally displaced persons (IDPs) has diminished in recent years due to reduced tensions in the northern part of the country and a government policy to phase out IDP camps. Concerns remain, however, about serious human rights violations related to the unresolved conflict between LRA rebels and the military. In addition to the more widespread LRA abuses, torture by security forces, especially at the local level, occurred despite the government's assurance that it is not condoned on an institutional level.

Although the constitution enshrines the principle of equality between women and men, discrimination against women remains pronounced, particularly in rural areas. Uganda has legislated quotas for women in all elected bodies, from village councils to the National Assembly. Almost 20 percent of Assembly members are female, and one-third of local council seats are reserved for women. The law gives women inheritance rights over land, but customary patriarchal practices mean that the formal legal provisions are often ignored. There are no laws protecting women from domestic violence, and draft laws, such as the Domestic Relations Bill and the Sexual Offenses Bill, have languished in the National Assembly for years. Incidents of domestic violence and sexual abuse, including rape, often go unreported and are rarely investigated. Cultural practices such as female genital mutilation have persisted. The Ugandan Human Rights Commission and other NGOs indicate that sexual abuse of minors is increasing. According to the ILO, more than 1.76 million children are employed as workers. The government maintains a hostile attitude towards homosexual rights.

# Ukraine

Population: 46,200,000

Capital: Kyiv

Political Rights: 3

Civil Liberties: 2

Status: Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
3,4PF	4,4PF	4,4PF	4,4PF	4,4PF	4,3PF	3,2F	3,2F	3,2F	3,2F

### Overview:

President Viktor Yushchenko and Prime Minister Yulia Tymoshenko continued their political infighting in 2008, and after Tymoshenko joined the opposition in trying to reduce the president's powers, Yushchenko in October sought to disband the parliament and hold new elections. The parliament refused to fund the voting, however, forcing Yushchenko to postpone the elections indefinitely. Yushchenko and Tymoshenko reached a new coalition agreement in December, forestalling the push for early elections, but relations between the two remained hostile at year's end. The sharp deterioration of the economy in the fall highlighted the politically divided state's inability to carry out fundamental reform. Also during the year, the president continued to interfere with the courts, and corruption remained a severe problem. Even as the domestic media operated with relative freedom, regulators suggested that broadcasts from Russia be taken off the air, leading some local stations to do so.

In December 1991, Ukraine's voters approved independence from the Soviet Union in a referendum and elected Leonid Kravchuk as president. Communists won a plurality in parliamentary elections in 1994, and Leonid Kuchma, a former director of the Soviet Union's largest missile production facility, defeated Kravchuk in the presidential poll. Over time, Kuchma's government became the target of domestic and international criticism for extensive, high-level corruption and the erosion of political rights and civil liberties.

The 1999 presidential election—in which Kuchma defeated Communist Party challenger Petro Symonenko—was marred by media manipulation, intimidation, and the abuse of state resources. The 2000 murder of independent journalist Heorhiy Gongadze and credible evidence that appeared to implicate Kuchma contributed to mass demonstrations and calls for the president's dismissal. The controversy prevented Kuchma from implementing his plans to consolidate more power.

Reformist former prime minister Viktor Yushchenko's Our Ukraine bloc led the party-list portion of the March 2002 parliamentary elections, marking the first electoral success for the democratic opposition since independence. However, propresidential factions were able to create a parliamentary majority, partly through successes in

the half of the chamber that was filled through single-member district races at the time. Nevertheless, the reformists' strong showing galvanized thousands who took to the streets during the year to demonstrate against Kuchma's increasing authoritarianism and corruption.

As the 2004 presidential election approached and Kuchma's final term drew to a close, members of his entourage threw their support behind Prime Minister Viktor Yanukovich, a convicted felon (in his youth) and representative of the eastern, Russian-speaking Donbas region, where economic oligarchs tightly controlled the local media and political life.

In the significantly tainted first-round vote in October, Yushchenko came in first among 24 candidates with 39.7 percent of the vote; Yanukovich, who enjoyed backing from Russian president Vladimir Putin, won 39.3 percent. In the November runoff, the results from the Central Election Commission (CEC) showed Yanukovich to be the winner by less than three percentage points. The CEC's results, moreover, showed a voter turnout of nearly 100 percent in Yanukovich's home region—well above the national average of 78 percent—as well as massive last-minute infusions of absentee ballots in southern and eastern Ukraine. Domestic opposition and international monitors declared Yanukovich's apparent victory "not legitimate."

In what became known as the "Orange Revolution" because of Yushchenko's ubiquitous campaign color, millions massed peacefully in Kyiv and other cities to protest fraud in the second-round vote. The Supreme Court on December 4 struck down the results and ordered a rerun on December 26. In the middle of the crisis, the parliament ratified constitutional reforms that shifted certain powers from the president to the parliament, effective January 1, 2006. The compromise changes effectively lowered the stakes of the upcoming rerun, making it more palatable to Yushchenko's opponents.

The repeat of the second round was carried out in a new political and social atmosphere. The growing independence of the media, the parliament, the judiciary, and local governments allowed for a fair and properly monitored ballot. As a result, Yushchenko won easily with 52 percent of the vote, to Yanukovich's 44 percent, with 75 percent of eligible voters participating. Former deputy prime minister Yulia Tymoshenko, who had been briefly imprisoned in 2001, was approved as prime minister in February 2005. As the head of her own eponymous party, she had been Yushchenko's chief ally in the Orange Revolution.

Although he was inaugurated amid high expectations of a clean, responsible, and efficient government, Yushchenko was soon forced to deal with the legacies of his predecessor, such as mismanagement of the economy, corruption, and unreformed state institutions. Yushchenko and Tymoshenko failed to establish themselves as effective leaders, and members of the government fought over privatization issues, with many implicated in a variety of scandals.

The Orange alliance collapsed in September 2005, when Yushchenko dismissed his key allies: Tymoshenko and Petro Poroshenko, the head of the National Security and Defense Council. The March 2006 parliamentary elections only prolonged the political stalemate, in which neither the fractured Orange coalition nor Yanukovich's group could initially form a majority. In July, Socialist Party leader Oleksandr Moroz abandoned the Orange alliance to join Yanukovich's Party of the Regions and the Communist Party in a coalition that made him speaker of parliament and Yanukovich

prime minister. That left Yushchenko and Yanukovych, the main rivals in the 2004 presidential election, in the positions of president and prime minister.

Back in office, Yanukovych sought to limit Yushchenko's power, targeting his ability to control foreign and national security policies. Under the new constitutional arrangement, the president had the right to appoint the foreign and defense ministers directly and also filled important law enforcement posts, while parliament was supposed to approve his appointments. Power had never been shared between the president and prime minister in this way, and Yanukovych claimed that approval should not be automatic. In January 2007, the parliament, with the support of the Tymoshenko bloc, passed a law taking the power to appoint the prime minister, foreign minister, and defense minister if the president does not do so within 15 days of the period defined in the constitution. It also limited the president's power to appoint governors and other regional officials. At the same time, deputies from various opposition parties began defecting to Yanukovych's party. To stop the erosion of his authority, Yushchenko dissolved parliament in April and set new legislative elections for May. He claimed that the ruling coalition had illegally convinced opposition deputies to switch parties. The Party of the Regions initially resisted Yushchenko's move, but the president, Yanukovych, and Speaker Moroz in May agreed to hold the elections on September 30. The agreement followed a confrontation one day earlier, in which Yushchenko summoned Interior Ministry riot police to the capital, but they were blocked by police loyal to Interior Minister Vasyl Tsushko.

The Party of the Regions won 175 seats in the elections, followed by the Tymoshenko bloc with 156 seats and the Our Ukraine-People's Self-Defense bloc with 72. The Communist Party won 27 seats, and the Lytvyn bloc secured 20. Voter participation was 62 percent. Tymoshenko returned to the premiership in December, thanks to a restoration of the Orange alliance.

Despite the removal of Yanukovych and the return of Tymoshenko, the power struggle between president and prime minister continued unabated in 2008, as both eyed the presidential election set for 2010. Yushchenko issued more than 800 decrees over 100 days in the spring, blocking the majority of Tymoshenko's decisions. When the prime minister sided with the opposition on September 2 to pass a bill limiting the president's power, their fragile alliance collapsed. On October 9, Yushchenko tried to disband parliament for the second time in two years, and set legislative elections for December 7. When the Kyiv District Administrative Court ruled his decree illegal, Yushchenko disbanded the court. A higher court ultimately overturned the Kyiv court's ruling. However, at the end of October, the parliament refused to provide the funding (about US\$80 million) to hold the elections, forcing Yushchenko to postpone them for an undetermined time.

Simultaneously, the global economic crisis placed additional strain on the country. The International Monetary Fund (IMF) only approved a crucial US\$16.5 billion loan to prop up the economy after the fractious parliament organized enough votes on November 1 to pass enabling legislation. Yushchenko's attempts to attach election funding to the crisis legislation almost scuttled its passage, and he eventually had to remove it.

Yushchenko and Tymoshenko announced a new coalition pact in early December, canceling the president's drive for parliamentary elections, but the relationship between the two leaders did not improve. By year's end, Tymoshenko was calling

for the president's resignation, citing the continued economic slide and alleged currency speculation by Yushchenko's associates. The disputes came as the country faced a looming January 1 deadline to reach a new natural gas price agreement with Russia, which had cut off supplies at the beginning of 2006.

**Political Rights and Civil Liberties:** Ukraine is an electoral democracy. Despite the falsification of several million ballots in the first two rounds of the 2004 presidential election, massive citizen protests doomed the attempt at voter fraud and ensured that a democratically elected president, Viktor Yushchenko, would emerge from the process in the third round, which was mandated by Ukraine's Supreme Court. Parliamentary elections in March 2006 and September 2007 were deemed free and fair, with only minor polling-place violations.

Citizens elect delegates to the Verkhovna Rada (Supreme Council), the 450-seat unicameral parliament, for four-year terms. All seats are chosen on the basis of party-list proportional representation, according to a new electoral law first used in the March 2006 elections. Parties must gain at least 3 percent of the vote to win representation. A related package of constitutional reforms shifted the balance of power from the president to the parliament, which now approves the prime minister proposed by the president on the recommendation of the majority coalition. The president, who is elected to a maximum of two five-year terms, no longer has the right to dismiss the cabinet. However, the president still issues decrees, is responsible for defending the constitution, and exercises power over the courts, military, and law enforcement agencies. Political parties are typically little more than vehicles for their leaders and financial backers, and generally lack coherent ideologies or policy platforms.

Corruption remains one of the country's most serious problems. The fact that Ukraine in 2008 continued to buy Russian and Central Asian natural gas from the secretive trading company RosUkrEnergo, set up in 2004 to take over from the discredited EuralTransGaz, demonstrates the lack of transparency at the highest level of the economy and political system. There is no apparent reason for RosUkrEnergo, a creature of the Russian natural gas monopoly Gazprom, to serve as a middleman other than to facilitate corruption, and Yushchenko has come under attack for allowing it to play a prominent role. In addition, many fear that the country's economic oligarchs benefit financially from their close association with top politicians. Ukraine was ranked 134 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, with its absolute score dropping from 2.8 in 2006 to 2.5 in 2008.

The constitution guarantees freedoms of speech and expression, and under changes adopted in 2001, libel is no longer a criminal offense. Since the 2004 Orange Revolution, the government has abstained from direct political interference and has not used media outlets as vehicles for political propaganda and slander against its opponents. Accordingly, the media have grown increasingly pluralistic, and a far broader range of opinions is available to the public. However, beginning in November 2008, the National Council for Television and Radio Broadcasting instituted a local broadcast ban on Russia's most influential television networks. Almost all information in Ukraine, especially in the south, east, and center, is distributed in Russian.

There has been little progress in turning state television into a public broadcaster. Opaque economic control over the press remains in place, meaning media

coverage frequently follows the will of a wealthy owner who might at the same time be an influential political figure. Local governments often control the local media, and journalists who investigate wrongdoing at the local level still face physical intimidation; local police and prosecutors do not energetically pursue such cases. The courts convicted three former police officers for the 2000 murder of independent journalist Heorhiy Gongadze in 2008, but the high-level organizers of the crime have not been conclusively identified and remain at large. Internet access is not restricted and is generally affordable; lack of foreign language skills is the main barrier.

The constitution and the 1991 Law on Freedom of Conscience and Religion define religious rights in Ukraine, and these are generally well respected. There are some restrictions on the activities of foreign religious organizations, and all religious groups with more than 10 members must register with the state. There was a spike in anti-Semitic acts in the fall of 2007, and Jewish leaders blamed the government for failing to mount a strong response. Muslims are occasionally subjected to document checks by local police, particularly in the eastern parts of Ukraine. Local officials sometimes block the attempts of nontraditional religious groups to register and buy property and typically side with the dominant local religious group. Religious leaders complain about the slow restoration of religious buildings confiscated by the Soviet authorities.

Academic freedom is generally respected in most disciplines. New, private universities now augment state-supported higher education. Despite the changing atmosphere, bribes for entrance exams and grades remain a problem.

The constitution guarantees the right to peaceful assembly but requires advance notification of government authorities. Ukraine has one of the most vibrant civil societies in the region. Citizens are increasingly taking issues into their own hands, protesting against unwanted construction, and exposing corruption. There are no limits on NGO activities. Trade unions function, but strikes and worker protests are infrequent, even though dissatisfaction with the state of economic affairs was pervasive in the fall of 2008. Factory owners are still able to pressure their workers to vote according to the owners' preferences.

The judiciary consists of the Supreme Court, specialized high courts, appeals courts, and local courts of general jurisdiction, as well as a Constitutional Court. The constitution guarantees equality before the law, but the president, members of parliament, and judges are immune from criminal prosecution unless the parliament consents. Before the Orange Revolution, the judiciary was inefficient and subject to corruption. These problems remain, but to a marginally lesser degree than in the past. Given the battles between the president and prime minister, the courts have become important arbiters. However, there is little respect for the division of power, and all political factions have attempted to manipulate courts, judges, and legal procedures. President Yushchenko in 2007 fired three Constitutional Court judges for procedural and ethics violations while the court was determining the legality of his decree to disband parliament before its term ended. He closed a Kyiv court in October 2008 for trying to block another of his efforts to disband parliament. The Constitutional Court has largely remained silent in the face of politicians' attempts to grab power, lowering its legitimacy in the eyes of the public and facilitating elite interference.

Police torture, overcrowded prisons, and poor conditions continued to be a problem in 2008, according to Human Rights Watch. However, the Criminal Justice and Law Enforcement Authorities reform, signed by Yushchenko on April 8, sought to bring Ukraine's system up to international standards; it particularly focuses on improving pretrial detention procedures and strengthening victim's rights.

While the country's Romany population suffers from discrimination, the government has actively interceded to protect the rights of most ethnic and religious minorities, including the Crimean Tatar community. Nevertheless, Tatars continue to suffer discrimination in terms of land ownership, access to employment, and educational opportunities.

The government generally respects personal autonomy and privacy, and the constitution guarantees individuals the right to own property, to work, and to engage in entrepreneurial activity. When the interests of economic oligarchs are involved, cronyism and the protection of insider interests prevail.

Gender discrimination is prohibited under the constitution, but women's rights have not been a priority for government officials. While there are a relatively large number of women in prominent executive and legislative posts, including the prime minister, women still do not enjoy equal opportunities with men. Human rights groups have complained that employers advertising for jobs often specify the gender of the desired candidate and discriminate on the basis of physical appearance and age. The trafficking of women abroad for the purpose of prostitution remains a major problem and a threat to women's rights and security.

## United Arab Emirates

**Population:** 4,500,000

**Capital:** Abu Dhabi

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,6NF	6,6NF	6,6NF	6,5NF	6,5NF	6,5NF

### Overview:

In 2008, the United Arab Emirates (UAE) amended its judicial law, becoming the second country in the Gulf to allow women to serve as prosecutors and judges. A draft press law under consideration at the end of the year would reintroduce prison sentences for journalists who criticize the government or the country's economy. During 2008, foreign workers continued to violently protest low wages and poor working and living conditions in the country, although the government took some steps to register the country's large population of stateless workers.

Attacks on shipping off the coast of what is now the United Arab Emirates (UAE) led the British to mount military expeditions against the local tribal rulers in the early 19th century. A series of treaties followed, including a long-term maritime truce in 1853 and an 1892 pact giving Britain control over foreign policy. The seven sheikhdoms of the area subsequently became known as the Trucial States. In 1971, Britain announced that it was ending its treaty relationships in the region, and six of the seven Trucial States formed the UAE federation. Ras al-Khaimah, the seventh state, joined in 1972. The provisional constitution left significant power in the hands of each emirate.

The government in 2001 cracked down on corruption, arresting some senior officials. In the wake of that year's terrorist attacks on the United States, the government introduced reforms in its financial services and banking sectors to block the financing of terrorism.

In January 2006, Sheikh Mohammed bin Rashid al-Maktoum succeeded his brother as ruler of the emirate of Dubai and prime minister of the UAE. His ascension did not result in any substantive changes in the UAE's political balance, with the ruling families maintaining a firm grip on power.

The first-ever elections for half of the 40-seat, largely advisory Federal National Council were held in December 2006. However, participation was limited to a small electoral college appointed by the emirates' seven rulers in September. Of the college's 6,689 members, 1,189 were women. Of the 20 elected members of the council, one was a woman. The UAE government appointed the remaining 20 members, including 8 women, in February 2007.

In January 2008, al-Maktoum appointed his son Hamdan the crown prince of Dubai. In February, the prime minister appointed four women as ministers in a cabinet reshuffle, doubling the number of women serving in the executive.

In contrast to many of its neighbors, the UAE has achieved some success in diversifying its economy to reduce dependency on the petroleum sector. The country has built a leading free-trade zone in Dubai and a major manufacturing center in Sharjah, and it has invested resources to expand its tourism industry. In February 2008, Abu Dhabi announced that it would spend over US\$20 billion dollars over the next eight years to build a solar powered Masdar City, a carbon-free and car free residential and commercial city. Meanwhile, In July, the UAE canceled Iraq's debt.

The UAE's ongoing real-estate boom has generated considerable labor unrest, and the country's mostly foreign workforce continued to protest poor working and housing conditions in 2008. Nevertheless, the government took some positive steps in September and October to register the country's large population of stateless workers.

### **Political Rights and Civil Liberties:**

The UAE is not an electoral democracy. All decisions about political leadership rest with the dynastic rulers of the seven emirates, who form the Federal Supreme Council, the highest executive and legislative body in the country. The seven leaders select a president and vice president, and the president appoints a prime minister and cabinet. The UAE has a 40-member Federal National Council (FNC), half of which was elected for the first time in 2006. Voting was restricted to a 6,689-member electoral college chosen by the seven rulers. The other half of the council is directly appointed by the government for two-year terms. UAE officials have said they intend to grant univer-



sal suffrage for the 2010 FNC elections. The council serves only as an advisory body, reviewing proposed laws and questioning federal government ministers.

There are no political parties in the country. Instead, the allocation of positions in the government is largely determined by tribal loyalties and economic power. The emirate of Abu Dhabi, the major oil producer in the UAE, has controlled the federation's presidency since its inception. Citizens have a limited opportunity to express their interests through traditional consultative sessions.

The UAE is considered one of the least corrupt countries in the Middle East. It was ranked 35 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Although the UAE's constitution provides for some freedom of expression, the government has historically restricted this right in practice. The Printing and Publishing Law (No. 15 of 1980) applies to all media and prohibits "defamatory material and negative material about presidents, friendly countries, [and] religious issues, and [prohibits] pornography." Consequently, journalists commonly practice self-censorship, and the leading media outlets frequently publish government statements without criticism or comment. However, Dubai has a "Media Free Zone," where few restrictions have been reported on print and broadcast media produced for audiences outside of the UAE. In 2007, the prime minister called for a new press law and issued an executive decree stipulating that journalists would no longer face imprisonment for violations linked to their work. In 2008, the Ministerial Committee for Legislation approved a new draft bill abolishing jail sentences for journalists, but it was not adopted. At the end of the year, the government was considering a more restrictive press law that will reintroduce prison terms for journalists who "disparage" government officials or write stories that "harm the country's economy." The UAE continues to restrict speech in the media, art, and publishing, as well as in Emirati schools. Government officials continue to ban a variety of publications and internet websites.

The constitution provides for freedom of religion. Islam is the official religion, and the majority of citizens are Sunni Muslims. However, the minority Shiite Muslim sect and non-Muslims are free to worship without interference. The government controls content in nearly all Sunni mosques. Academic freedom is limited, with the Ministry of Education censoring textbooks and curriculums in both public and private schools.

The government places limits on freedoms of assembly and association. Small discussions on politics in private homes are generally tolerated, but there are limits on citizens' ability to organize broader gatherings. Public meetings require government permits. All nongovernmental organizations (NGOs) must register with the Ministry of Labor and Social Affairs, and registered NGOs reportedly receive subsidies from the government.

Following widespread labor unrest in 2006, the Labor Ministry published a draft of a new labor law in 2007, but it fell short of satisfying the demands of most workers. Its provisions would not give the UAE's mostly foreign workers the right to organize, bargain collectively, or strike. Labor disturbances continued in 2008. As many as 1,500 foreign workers protested poor working and living conditions in Shaijah in March, setting fire to vehicles and damaging property. Violent unrest continued through July and August with the government reportedly using military force to crack down on protests.

The judiciary is not independent, with court rulings subject to review by the political leadership. The legal system is divided into Sharia (Islamic law) courts, which handle family and criminal matters, and secular courts, which cover civil law. In March 2008, the UAE amended the judicial law to allow women to serve as prosecutors and judges. In October, Abu Dhabi swore in the country's first woman judge, Khulood Ahmed Jawan Al Dhaheri. Although the constitution bans torture, there is compelling evidence that members of the royal family and the country's police have used torture against political rivals and business associates. Sharia courts sometimes impose flogging sentences for drug use, prostitution, and adultery. Overcrowding is reported in the prisons of the larger emirates, and other prison conditions vary by jurisdiction. Recent violence among the nonindigenous community has led to arbitrary arrests and detention. In July 2004, new legislation established stricter punishments for crimes involving terrorism. The federal Ministry of the Interior oversees police forces in the country, but the police forces in each emirate enjoy a great deal of autonomy.

Discrimination against noncitizens occurs in many aspects of life, including employment, education, housing, and health care. Fewer than 20 percent of the country's residents are UAE citizens. In addition to foreign nationals, there are more than 100,000 stateless residents, often known as *bidoon*, who are unable to secure regular employment and face systemic discrimination. In September and October 2008, the Ministry of Interior coordinated an effort to officially register the *bidoon*, setting up registration centers in Abu Dhabi, Dubai, Sharjah, and Ajman where registrants can apply for citizenship. The government retains the final authority to approve or reject requests for citizenship and it remains unclear what the criteria for selection are.

The constitution provides for equality before the law but does not specifically mention gender equality. In practice, women's social, economic, and legal rights are not always protected because of incomplete implementation of the law and traditional biases against women. Muslim women are forbidden to marry non-Muslims, and according to the interpretation of Sharia in the UAE, a brother inherits double what a sister inherits when a parent dies. Women are underrepresented in government, although there are signs of limited openings, with women receiving appointments at various levels in recent years. Sheikha Lubna al-Qasimi became the first woman minister in the UAE when she was appointed minister of the economy and planning in 2004. In February, Prime Minister al-Maktoum added two new women to the country's cabinet, doubling their number. Sheikh Sultan al-Qasimi, ruler of the emirate of Sharjah, has appointed five women to his consultative council. For the first time, the country appointed women as foreign ambassadors, where they are serving in Sweden and Spain.

Foreigners, who continue to be lured into the country by employment opportunities, are often subjected to harsh working conditions, physical abuse, and the withholding of passports. The government enacted an antitrafficking law in 2006, providing penalties for those convicted of human trafficking for the purpose of sexual or economic exploitation. In 2007, the government established a national organization to fight trafficking, although the results have been mixed. Still, the UAE remained on the Tier 2 Watch List in the U.S. State Department's 2008 Trafficking in Persons Report for failing to adequately address these problems.

## United Kingdom

**Population:** 61,200,000

**Capital:** London

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

**Gordon Brown, the Labour government's prime minister, was unpopular for much of 2008, and the opposition Conservative Party gained popularity and confidence. However, Brown's response to the financial crisis in late 2008 improved Labour's standing in the polls. Meanwhile, public and political resistance prevented the amount of time that police could detain suspects without charge from being extended.**

The English state emerged before the turn of the first millennium and was conquered by Norman French invaders in 1066. Wales, Scotland, and lastly Ireland were subdued or incorporated into the kingdom over the course of centuries, culminating in the creation of the United Kingdom of Great Britain and Ireland in 1801. The Glorious Revolution of 1688-89 began a gradual—but eventually total—assertion of the powers of Parliament, as Britain became the modern world's first democracy. A significant extension of voting rights was passed in 1832, and subsequent reforms led to universal adult suffrage.

Separatism has persisted in the Celtic lands; most of Ireland won independence after World War I, with Protestant-majority counties in the north remaining a restive part of what became, as of 1927, the United Kingdom of Great Britain and Northern Ireland. Significant powers were devolved to a Scottish Parliament, and fewer to a Welsh Assembly, established under the Labour Party government in 1997. Peace negotiations restored home rule to Northern Ireland in 1998, but the local government was later suspended because of breakdowns in the peace process.

After nearly two decades of Conservative Party rule, Tony Blair's "New Labour"—so called because of the party's radical shift from its Socialist past—adopted Conservative-style positions on a number of issues and swept general elections in May 1997. In the June 2001 parliamentary elections, the Labour Party won a second landslide victory. Despite a promise to focus on public services, particularly the troubled health and transport systems, Blair's second term as prime minister was dominated by his support of the U.S.-led war in Iraq amid opposition from his own party.

A combination of slow progress in improving public services and the continuation of the war led to a far less decisive Labour victory in May 2005 elections, with the margin of parliamentary majority reduced from 165 seats to 66. Blair remained

prime minister after the 2005 election, but he was considerably weakened by speculation about when he would hand the premiership to Gordon Brown, the chancellor of the exchequer. Michael Howard, who had been seen as ineffective at capitalizing on Blair's weakness, resigned as Conservative Party leader, and David Cameron was elected to replace him in December 2005.

On July 7, 2005, three bombings in London's Underground railway system and one on a London bus killed more than 50 people and wounded hundreds. The terrorists, also killed in the attacks, were British Muslims, three of Pakistani descent and one a convert to Islam. The attacks set off a public debate about the failure of some immigrants and racial and religious minorities to become integrated into British society. Shortly after the attacks, British police shot and killed an innocent Brazilian man, suspecting he was a terrorist; although the police in 2007 were found guilty of violating health and safety laws and fined, no individual officers were punished, and the head of London's police resisted calls to resign.

The terrorist attacks led to government proposals to toughen antiterrorism laws, which in turn sparked concerns about civil liberties. The proposals, first introduced in August 2005, were wide ranging, although one of Blair's first measures was defeated. Instead of extending the time terrorism suspects could be held without detention from 14 to 90 days, the Commons extended the period to 28 days. In another government setback, the Law Lords, the highest court in Britain, ruled in December that evidence obtained through torture could not be used at trial.

Northern Ireland's peace efforts made progress from 2005 to 2007, culminating in the creation of a power-sharing government in Belfast by two parties that were previously considered hard-line rejectionists: the Catholic and republican Sinn Fein, and the Protestant and loyalist Democratic Unionist Party (DUP). The DUP's long-time leader, Ian Paisley, became first minister. The locally elected Assembly called for in the Good Friday Agreement of 1998 had been suspended in 2002 after Sinn Fein was caught spying on rival politicians and security officials. An independent commission confirmed in 2006 that the Irish Republican Army (IRA), which was linked to Sinn Fein, had dismantled its paramilitary structures. Only after this, and a crucial reform that included more Catholics in the police force, were fresh elections held in March 2007 and the new power-sharing government formed. Small-scale violence flared up at the end of the year.

In June 2007, Tony Blair finally resigned, and Gordon Brown took office as prime minister. That same month, two similar car bombs were found and disabled in London, and the next day, a jeep loaded with propane crashed into Glasgow airport and caught fire. No one was killed except for one of the attackers in Glasgow, who died of his burns in August. Eight men were taken into custody, all of Arab or South Asian descent. Brown's actions afterward, including a reorganization and strengthening of the national security agencies, won him some popularity, although overall approval of his leadership declined for most of his first year. His economic policy making seemed unsure, in contrast with his successful tenure as chancellor of the exchequer. Meanwhile, Labour suffered a party-funding scandal that same year.

Brown's efforts to double the amount of time that police could hold suspects without charge to 56 days continued in 2008. The period was shortened to 42 days in a bill submitted in 2008. Although the bill passed the House of Commons in June, despite individual Labour members' opposition, it was soundly defeated by the House

of Lords. Brown, rather than trying to force it past the Lords, decided to hold the bill in reserve in case of emergency.

Late in the year, a Conservative politician, Damian Green, was suspected of soliciting moles in the Home Office (interior ministry) to pass him embarrassing information on the government's immigration policy. Green was arrested and held for nine hours, and police searched his parliamentary office, a major breach of precedent. The affair resulted in an investigation over whether police had faced improper political pressure to pursue Green.

Cameron, the new, young conservative leader, modernized his party's image, and the Conservatives led in polls for most of 2008. However, near the end of the year, Brown was decisive in the face of the international financial crisis. The government's quick decision to spend public money to capitalize ailing banks was hailed as a model response internationally and was copied by other countries, including the United States. This response helped boost Labour's popularity slightly, though the Conservatives remained substantially ahead at year's end.

### **Political Rights and Civil Liberties:**

The United Kingdom is an electoral democracy. Each of the 646 members of the House of Commons, the dominant lower chamber of the bicameral Parliament, is elected in a single-member district. This procedure multiplies the power of the two largest parties—the Labour Party and the Conservative Party—at the expense of smaller parties. The Liberal Democrats, the third-largest party, are the most disadvantaged; although they won 22.1 percent of the vote in the 2005 elections, they received only 9.4 percent of the seats in the House of Commons. The lead opposition party plays a crucial role in the Commons; although it is unable to block legislation without defections from the governing party (a rare occurrence), it holds ministers accountable in parliamentary debates that are widely covered in the press. Parliamentary elections must be held at least every five years.

The House of Lords, Parliament's upper chamber, can delay legislation initiated in the Commons. If it defeats a measure passed by the Commons, the Commons must reconsider (though it can ultimately triumph over the Lords according to the Parliament Act). Its membership (currently more than 700) was reformed under Prime Minister Tony Blair's Labour government. Nearly all hereditary peers (nobles) have been removed from the body, with 92 remaining pending further reform. The rest are "life peers," chosen by governments to serve for life; Law Lords, who serve as the country's highest court; and a small number of bishops and archbishops of the Church of England. The monarch, currently Queen Elizabeth II, plays a largely ceremonial role as head of state.

The dominant political parties are the Labour and Conservative parties and the third-ranked, left-leaning Liberal Democrats. Other parties include the Welsh nationalist Plaid Cymru and the Scottish National Party; in Northern Ireland, the main Catholic and republican parties are Sinn Fein and the Social Democratic and Labour Party, while the leading Protestant and unionist parties are the Ulster Unionist Party and the DUP.

After a period of centralization under Conservative governments from 1979 to 1997, the Labour Party delivered a far-reaching devolution of power to Northern Ireland, Scotland, and Wales. The first elections to the Scottish Parliament and the Welsh Assembly were held in 1999. The Scottish body has more power (including

some tax-raising authority) than its Welsh counterpart. Welsh nationalism is primarily cultural. The Northern Ireland Assembly was temporarily suspended in October 2002, after complications in the peace process, but restored in 2007.

The government is largely free of pervasive corruption, though instances of political donations for "honors" (peerages and titles) have made news during the Labour government, and a party-funding scandal tarnished the government in 2007. The United Kingdom was ranked 16 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The law provides for press freedom, and the media in Britain are lively and competitive. Daily newspapers across a broad political spectrum compete for readers. The combination of the 2008 economic crisis and challenges from the internet led to a spate of small newspaper closings in 2008. Although broadcasting is dominated by the state-owned British Broadcasting Corporation (BBC), the organization is editorially independent and faces significant private competition. In 2003, the BBC claimed that the government exaggerated evidence of Iraqi weapons of mass destruction, which led to an extensive inquiry that eventually exonerated the government. While the episode tarnished the reputations of both the government and the BBC, it was a sign of the healthy political debate that is possible in Britain's media. Wealthy foreign litigants—known as libel tourists—are increasingly using Britain's libel laws to silence their critics; anyone can sue for libel in a British court as long as the material was accessed in Britain, and the burden of proof is on the defendant. In some cases, this practice has led to self-censorship. Internet access is not restricted by the government.

Although the Church of England and the Church of Scotland are established churches, the government both prescribes freedom of religion in law and protects it in practice. Scientology is not recognized as an official religion for tax purposes. Muslims especially complain of discrimination, harassment, and occasional instances of assault. In 2006, Parliament passed a law banning incitement to religious hatred, with a maximum penalty of seven years in prison. In 2005, the government proposed banning Hizb ut-Tahrir (Party of Liberation), an Islamist group that advocates the creation of a transnational Muslim caliphate and is opposed to democracy, but the plan stalled and the group remains legal. Academic freedom is respected by British authorities.

Freedoms of assembly and association are respected. Civic and nongovernmental organizations are allowed to operate freely. Workers' right to organize in unions is protected. Trade unions have traditionally played a strong role in the Labour Party, though this connection is weakening as the party moves to the center and seeks a larger role for the private sector in traditional public sector areas, such as health care.

Legislation approved in 2005 reformed the justice system, calling for the Law Lords to be removed from the House of Lords and established as a separate Supreme Court. The original bill would also have abolished the ancient post of Lord Chancellor, the second-oldest office in Britain after the monarchy, which combined a legislative role in the House of Lords, a senior executive position in the cabinet, and a powerful judicial position as, effectively, the top judge in the country. As such, it had represented a serious breach of the separation of powers, which was already weak in Britain. The final version of the legislation stopped short of eliminating the office of Lord Chancellor, but it removed the post's judicial function and ended the Lord Chancellor's role as Speaker of the House of Lords. The police maintain high professional standards, and prisons generally meet international guidelines. Britain's

antiterrorism laws are some of the toughest in the democratic world, and are frequently criticized by groups like the Muslim Council of Britain. Public and political resistance kept the without-trial detention period from being extended to 42 days in 2008, and support for introducing national identification cards has waned.

Britain has large numbers of immigrants and locally born children of immigrants, who receive equal treatment under the law. In practice, their living standards are lower than the national average, and they complain of having come under increased suspicion amid the terrorist attacks and actual and alleged terrorist plots in recent years.

Women receive equal treatment under the law but are underrepresented in politics and top levels of business. Abortion is legal in Great Britain but is heavily restricted in Northern Ireland, where it is legal only to protect the life or the long-term health of the mother. Northern Irish women seeking abortion typically travel to Great Britain.

## United States of America

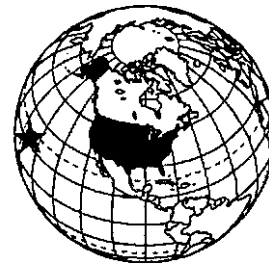
**Population:** 304,500,000

**Capital:** Washington, D.C.

**Political Rights:** 1

**Civil Liberties:** 1

**Status:** Free



*Note:* The numerical ratings and status listed above do not reflect conditions in Puerto Rico, which is examined in a separate report.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

Democratic Party candidate Barack Obama won the November 2008 presidential election, which was held under the cloud of the country's most serious economic crisis since the Great Depression of the 1930s. Obama, the first black candidate to win the presidency, ran on a platform of comprehensive change from the policies of the outgoing Republican president, George W. Bush. The Democrats also performed well in congressional elections, ensuring that the new president would have the benefit of substantial majorities in both houses of Congress.

The United States declared independence in 1776, during a revolution against British colonial rule. The current system of government began functioning in 1789, following the ratification of the country's constitution. Because the founders of the United States distrusted concentrated government authority, they set up a system in which the federal government has three coequal branches—executive, legislative, and judicial—and left many powers with state governments and the citizenry.

For most of the country's history, power has alternated between the Democratic and Republican parties. President George W. Bush of the Republicans was reelected for a second four-year term in 2004, but he subsequently suffered from major policy setbacks and declining public approval ratings. In the 2006 midterm elections, the Democrats won control of both houses of Congress for the first time since 1994, adding pressure to the Republicans' effort to find a viable presidential candidate for the 2008 contest.

As with other recent elections, campaigns for the party presidential nominations got under way well in advance of the election itself, in early 2007. By mid-2008, after an intense struggle, Senator Barack Obama had defeated several rivals for the Democratic nomination, including the early favorite, Senator Hillary Clinton, the wife of former president Bill Clinton (1993-2001). Obama's Republican opponent was Senator John McCain, a highly respected veteran of the Vietnam War, who had won his party's nomination after a similarly grueling selection process.

Obama triumphed in the November general election amid fears of economic collapse, triggered by a major decline in the stock market, a housing crisis that saw hundreds of thousands of home-mortgage foreclosures, and a major increase in the unemployment rate. Obama ultimately secured 53 percent of the popular vote, with McCain receiving 46 percent. In the Electoral College balloting, which determines the presidential election outcome, Obama and his vice-presidential nominee, Senator Joseph Biden, received 365 votes, compared with 173 for McCain and his running mate, Governor Sarah Palin of Alaska. Although McCain did well among white men, Obama scored substantial majorities among several groups, including black, Hispanic, and younger voters. The voter turnout rate, at over 61 percent of eligible voters, was one of the highest recorded in recent years. In concurrent legislative elections, the Democrats increased their majorities in both the House of Representatives and the Senate.

During the campaign, both Obama and McCain had distanced themselves from a number of the more controversial counterterrorism policies initiated by President Bush since the September 2001 terrorist attacks on the United States. The two candidates pledged to end interrogation policies that amounted to torture, and Obama promised to shut down the detention facility at Guantanamo Bay, Cuba, where hundreds of terrorism suspects were held. However, Obama was unclear on how the remaining detainees—classified by the Bush administration as enemy combatants—would be dealt with. In June, the Supreme Court had dealt a major blow to Bush's policies on the issue, finding that Guantanamo detainees had the right to challenge their detention in federal court. Separately, in July, Congress voted to substantially expand the federal government's surveillance authority, effectively endorsing another of Bush's counterterrorism initiatives; the measure included a provision that granted legal immunity to telephone companies for their cooperation with the government's wiretapping efforts in the years after the 2001 attacks.

As the Bush administration neared its end, some human rights advocates and members of the political opposition called for investigations into its activities. Some argued that Bush officials should face criminal prosecution for their role in formulating counterterrorism policy, while others favored congressional probes or independent "truth commissions" to uncover the full extent of the government's activities without necessarily launching criminal cases.



### Political Rights and Civil Liberties:

The United States is an electoral democracy with a bicameral federal legislature. The upper chamber, the Senate, consists of 100 members—two from each of the 50 states—serving six-year terms, with one-third coming up for election every two years. The lower chamber, the House of Representatives, consists of 435 members serving two-year terms. As a result of the 2008 elections, Democrats control the House, 256-178, with three vacancies. In the Senate, the Democrats now hold a solid lead, with 56 seats as opposed to 41 for the Republicans; there are also two independents who vote with the Democratic caucus and one unresolved contest. All national legislators are elected directly by voters in the districts or states they represent. The president and vice president are elected to four-year terms. Under a 1951 constitutional amendment, the president is limited to two terms in office.

In the U.S. political system, a great deal of government responsibility rests with the 50 states. Most law enforcement matters are dealt with at the state level, as are education, family matters, and many land-use decisions. States also have the power to raise revenues through various forms of taxation. In some states, citizens have a wide-ranging ability to influence legislation through institutions of direct democracy, such as referendums, which have been conducted on issues including tax rates, affirmative action, and immigrant rights. Although hailed by some as a reflection of the openness of the U.S. system, direct democracy has come under criticism by others, who contend that making government policy by referendum or recalling democratically elected officeholders in the middle of their terms weakens the party system and the institutions of representative democracy.

For presidential elections, the United States has a unique system combining a popular vote with ballots cast by an electoral college. The Electoral College apportions votes to each state based on the size of its congressional representation. In most cases, all of the electors in a particular state then cast their ballots for the candidate who won the popular vote in that state, regardless of the margin. Two states, Maine and Nebraska, have chosen to apportion their electoral votes between the candidates according to the percentage of the popular vote each receives there, and other states are now considering similar systems. The Electoral College vote determines the winner of the election; therefore, it is possible for a candidate to win the presidency while losing the national popular vote.

The United States has an intensely competitive political environment dominated by two major parties, the right-leaning Republicans and the left-leaning Democrats. The country's "first past the post" or majoritarian electoral system tends to discourage the emergence of additional parties, as do a number of specific legal and other hurdles. However, on occasion, independent or third-party candidates have significantly influenced politics at the presidential and state levels, and a number of newer parties, such as the Green Party, have modestly affected politics in certain municipalities in recent years.

Presidential election campaigns in the United States are long and expensive. Candidates often begin campaigning two years prior to the election. Because of the high costs involved, serious candidates frequently find themselves in what has been called a "permanent campaign," with a never-ending process of fundraising. In 2001, Congress passed the McCain-Feingold bill, intended to limit the effect of moneyed interests on national politics. Nevertheless, the two parties and the constituency

and interest groups that support them have used various methods to circumvent the legislation's restrictions. Furthermore, the Supreme Court on several occasions has struck down controls on campaign spending on the grounds that they violated free speech rights. The 2006 congressional race was the costliest ever, with a total expenditure of \$2.6 billion, much of which was spent by advocacy groups that effectively supported or opposed the major candidates, rather than by the parties or candidates themselves. Election spending for the 2008 contests easily surpassed that of previous years, reaching over \$5 billion; the presidential race alone cost \$2.4 billion.

Corruption is a complex phenomenon in the United States. American society has a tradition of intolerance toward corrupt acts by government officials, corporate executives, or labor leaders. In recent years, executives from a number of large corporations have received lengthy prison sentences for various financial crimes, and officials at the local, state, and federal levels are regularly prosecuted for corruption. There are a variety of measures in place to reduce private sector corruption. The most recent major corporate-governance legislation, the 2002 Sarbanes-Oxley Act, was passed in the wake of a series of scandals involving inflated earnings reports by major corporations. The U.S. media are aggressive in reporting on cases of corporate and official corruption; newspapers often publish investigative articles that delve into questions of private or public malfeasance. At the same time, the expanding influence of interest groups and lobbyists on the legislative and policy-making process, combined with their crucial role in campaign fund-raising, has given rise to public perceptions of enhanced corruption in Washington. The United States was ranked 18 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The federal government has a high degree of transparency. A substantial number of auditing and investigative agencies function independently of political influence. Such bodies are often spurred to action by the investigative work of journalists. Federal agencies regularly place information relevant to their mandates on websites to broaden public access.

The United States has a free, diverse, and constitutionally protected press. A debate that long simmered over the impact of ownership consolidation, either by sprawling media companies with outlets in many states and formats or by corporate conglomerates with little or no previous interest in journalism, has evolved into doubts about the financial viability of print newspapers. The Tribune Company, which controls some of America's most prestigious newspapers, declared bankruptcy in December 2008, while other newspapers across the country announced sharp financial setbacks. Some analysts argued that the end of the newspaper era was at hand, and that Americans would get their news from online sources in the future. Already, internet journalists and bloggers play an important and growing role in the coverage of political news, and internet access is widespread in the country.

Controversy continued in 2008 over attempts by federal prosecutors and private attorneys to compel journalists to divulge the names of confidential sources or turn over notes and background material in legal cases. A bill to provide journalists with limited protection from demands for information about confidential sources in federal cases, introduced in 2007, failed to win passage in the Senate. Such press shield laws already exist in 37 states.

The United States has a long tradition of religious freedom. Adherents of practically every major religious denomination, as well as many smaller groupings, can be found throughout the country; rates of both religious belief and religious service attendance are high. The debate over the role of religion in public life is ongoing, however, and often centers on the question of whether government subsidies to schools sponsored by religious denominations conform with constitutional rules requiring the separation of church and state. There are no direct government subsidies to houses of worship. Issues such as gay marriage and abortion, as well as the words "under God" in the Pledge of Allegiance, are heavily loaded with religious implications and tend to mobilize political action by Evangelical Christians. Predominantly African American churches are also intensely involved in political affairs at both the local and national levels, and they provided a core base of support for the presidential campaign of Barack Obama.

Although a contentious debate has emerged over the university's role in society, the academic sphere enjoys a healthy level of intellectual freedom. There are regular discussions on university campuses over such issues as the global economy, Israel and the Palestinians, and the alleged politicization of curriculums on Middle Eastern affairs.

In general, officials respect the right to public protest. Protest demonstrations directed at government policies are frequently held in Washington, New York, and other major cities. The United States gives wide freedom to trade associations, non-governmental organizations, and issue-oriented pressure groups to organize and argue their cases through the political process. In recent years, something of an exception to the usual American tolerance toward demonstrations has emerged through the use of strict crowd-control tactics at the presidential nomination conventions of the two major parties. In September 2008, dozens of people were arrested during protests at the Republican convention.

Federal law guarantees trade unions the right to organize workers and engage in collective bargaining with employers. The right to strike is also guaranteed. Over the years, however, the strength of organized labor has declined, so that less than 8 percent of the private sector workforce is currently represented by unions, one of the lowest figures among economically advanced democracies. An important factor in organized labor's decline is the country's labor code, which is regarded as an impediment to organizing efforts. Decisions by the National Labor Relations Board, which adjudicates labor-management disputes, have circumscribed unions' ability to organize and represent workers effectively. In 2006, the board dealt unions a serious blow by greatly expanding the pool of workers deemed to have management responsibility, making them ineligible for union representation. Union organizing efforts are also impeded by strong resistance from employers and the federal government's failure to strictly punish labor-code violators. Several attempts to modify core labor laws have been defeated in Congress over the years, although chances for the enactment of reform measures were seen as improved after the 2008 elections. Despite its institutional decline, organized labor continues to play a vigorous role in electoral politics. Unions contributed millions of dollars to the Obama campaign and to the campaigns of Democratic congressional candidates.

Judicial independence is respected. Although there has been occasional criticism of the judiciary for allegedly extending its powers into areas of governance that

are best left to the political branches, most observers regard the judiciary as a linchpin of the American democratic system. The courts have played an especially important role in disputes over President George W. Bush's counterterrorism policies.

While the United States has a strong rule-of-law tradition, the criminal justice system's treatment of minority groups has long been a controversial issue. African Americans and Hispanics constitute a disproportionately large percentage of defendants in criminal cases involving murder, rape, assault, and robbery.

Civil liberties organizations and other groups have advanced a broad critique of the criminal justice system, arguing that there are too many Americans (especially members of minority groups) in prison, that prison sentences are often excessive, and that too many people are prosecuted for minor drug offenses. Over two million Americans are behind bars in federal and state prisons and local jails at any given time, producing the highest national incarceration rate in the world. The number of incarcerated Americans has continued to increase even as the national rate of violent crime has declined in recent years. There is also a disturbing number of juveniles serving lengthy prison terms in adult penitentiaries. Some observers have criticized "three strikes and you're out" laws in some states, under which criminal defendants receive life sentences after conviction on a third felony, even for relatively minor offenses. Concerns have been raised about prison conditions, especially the unsettling levels of violence and rape.

The United States has the highest rate of legal executions in the democratic world. Reflecting growing doubts about the death penalty, several states have announced a moratorium on capital punishment pending studies on the practice's fairness. Of particular importance in the campaign against the death penalty has been the exoneration of some death-row inmates based on new DNA testing. The Supreme Court has in recent years struck down the death penalty in cases where the perpetrator is a juvenile or mentally handicapped, and in 2008, the court rejected a state policy that provided for death sentences in cases of child rape. However, it ruled against a challenge to the dominant method of execution in the country, lethal injection; critics had claimed that the injection protocol placed convicts at risk of severe pain and suffering before death.

The United States is one of the world's most racially and ethnically diverse societies. In recent years, the country's demographics have shifted in important ways as residents and citizens of Latin American ancestry have replaced blacks as the largest minority group, and the percentage of whites in the population has declined somewhat. An array of policies and programs are designed to protect the rights of minorities, including laws to prevent workplace discrimination, affirmative action plans for university admissions, quotas to guarantee representation in the internal affairs of some political parties, and policies to ensure that minorities are not treated unfairly in the distribution of government assistance. Blacks, however, continue to lag in economic standing, educational attainment, and other social indicators. They are more likely to live in poverty, less likely to own businesses, less likely to hold a university degree, and much more likely to have served time in prison than members of other groups, including many recent immigrant groups. Affirmative action in employment and university admissions remains a contentious issue. The Supreme Court has given approval to the use of race or ethnicity as a factor in university admissions under certain narrow conditions. However, affirmative action has been

banned, in whole or in part, through referendums in five states, including Nebraska, where voters approved an anti-affirmative action proposal in 2008.

Since its immigration laws underwent major changes during the 1960s, the United States has generally maintained liberal immigration policies. In recent years, there has been a prominent debate over the degree to which new immigrants are assimilating into American society. Most observers, however, believe that the country has struck a balance that both encourages assimilation and permits new legal immigrants to maintain their religious and cultural customs. Americans remain troubled by the large number of illegal immigrants who have crossed into the country from its southern border. Over the last several years, the federal government has responded by strengthening security at the border with Mexico, conducting raids on businesses where undocumented workers are employed, and detaining and deporting large numbers of illegal immigrants.

Citizens of the United States enjoy a high level of personal autonomy. The right to own property is protected by law and is jealously guarded as part of the American way of life. Business entrepreneurship is encouraged as a matter of government policy.

The United States prides itself as a society that offers wide access to economic and social advancement and favors government policies that enhance equality of opportunity. Historically, the opportunities for economic advancement have played a key role in the successful assimilation of new immigrants. Recently, however, studies have shown a widening inequality in wealth and a narrowing of access to upward mobility. Among the world's prosperous, stable democracies, the United States is unique in having a large underclass of poor people who have at best a marginal role in economic life.

Women have made important strides toward equality over the past several decades. They are heavily represented in the legal profession, medicine, and journalism, and they predominate in university programs that train students for these careers. Although the average compensation for female workers is roughly 80 percent of that for male workers, women with recent university degrees have effectively attained parity with men. Nonetheless, there remain many female-headed families that live in conditions of chronic poverty.

The issue of gay rights is highly contentious. Federal law does not include homosexuals as a protected class under antidiscrimination legislation, though many states have enacted such civil rights protections. An intense controversy erupted over gay marriage after the Massachusetts Supreme Judicial Court ruled in 2003 that homosexual couples had the same right to marry as heterosexual couples under the state constitution. Since the ruling, many states have passed laws or constitutional amendments explicitly banning same-sex marriage, though an increasing number of states permit civil unions or other legal arrangements for gays that guarantee economic and family rights similar to those enjoyed by married couples. In 2008, Connecticut and California joined Massachusetts in allowing full marriage rights, but the relevant California court ruling was reversed by a referendum in November.

# Uruguay

**Population:** 3,300,000  
**Capital:** Montevideo

**Political Rights:** 1  
**Civil Liberties:** 1  
**Status:** Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F	1,1F

### Overview:

More than halfway through his five-year mandate, President Tabare Vazquez's Frente Amplio (Broad Front) coalition continued in 2008 to address the issue of human rights violations during the period of military rule (1973-85). Meanwhile, progress on potentially unpopular structural economic reforms was stalled by leftist elements within his coalition ahead of the 2009 presidential and legislative elections.

After gaining independence from Spain, the Republic of Uruguay was established in 1830. The ensuing decades brought a series of revolts, civil conflicts, and incursions by neighboring states, followed by a period of relative stability in the first half of the 20th century. The rival Colorado and Blanco parties vied for political power in the 1950s and 1960s, but economic troubles and an insurgency by the leftist Tupamaro National Liberation Front led to a military takeover by 1973. From that year until 1985, the country was under the control of a military regime whose reputation for incarcerating the largest proportion of political prisoners per capita in the world earned Uruguay the nickname "The Torture Chamber of Latin America."

The military era came to an end after elections held in 1984, in which Julio Maria Sanguinetti of the Colorado Party won the presidency. A 1986 amnesty law promoted by the new civilian president, who had been the military's favored candidate, granted members of the armed forces immunity for human rights violations committed during the years of dictatorship. The military extracted the concession as its price for allowing the democratic transition the year before.

In the next general election, held in November 1989, Luis Lacalle of the Blanco Party was elected president. The 1990s were marked by relative economic stability and prosperity. The Colorados won in both 1994 and 1999, with the latter election a close runoff between Colorado candidate Jorge Batlle and Tabare Vazquez of the leftist Frente Amplio (Broad Front) coalition.

Batlle immediately sought an honest accounting of the human rights situation under the former military regime, while showing equally firm determination to reduce spending and privatize state monopolies. In 2001, crises in the rural economy and an increase in violent crime, as well as growing labor unrest, set off alarms in what was still one of Latin America's safest countries.

A currency devaluation and default in Argentina at the end of 2001 caused a dramatic drop in foreign exchange reserves and the loss of Uruguay's coveted investment-grade status among leading financial ratings agencies. By mid-2002, the government was forced to impose a weeklong bank holiday, Uruguay's first in 70 years, to stanch a run on the country's banks. The spillover from Argentina's economic crisis led to union-backed antigovernment protests that brought much of Montevideo to a standstill. By 2004, average household income had shrunk by about 30 percent over the previous five years in what became the worst economic crisis in the country's history. A bond restructuring that year prevented a potentially catastrophic default and was accompanied by a small economic rally.

In October 2004, Uruguayans elected Vazquez as president in the first round of voting, dealing a crushing blow to the Colorado Party. Vazquez's coalition also captured a majority of seats in both houses of parliament in concurrent legislative elections, marking the first time in nearly 40 years that the president's party enjoyed a parliamentary majority. Faced with the challenge of creating a stable macroeconomic framework and attracting foreign capital, Vazquez began his term by implementing a floating exchange rate, fiscal discipline, and an inflation-targeted monetary policy in a once-again growing economy. While considered a center-left moderate, Vazquez's ties to Venezuelan president Hugo Chavez and a blocked Uruguayan attempt to buy arms from Iran in 2007 raised concerns in Washington. In 2008, Vazquez continued to be a politically moderate leader even as elements within his coalition endorsed more statist and protectionist development models endorsed by Chavez.

Vazquez proved willing to reopen the issue of some 200 Uruguayans who disappeared during the military's political dominance in the 1970s. In his inaugural address, he stated that neither the abduction of the daughter-in-law of famous Argentine poet Juan Gelman nor the murders of two Uruguayan political leaders were covered by the 1986 amnesty law. Human rights groups pressed to have the amnesty law more literally enforced, opening up the possibility of prosecutions for crimes committed before the 1973 coup. In November 2006, former president Juan Maria Bordaberry, a military-backed puppet, and his foreign minister, Juan Carlos Blanco were charged for the 1976 kidnapping and murder of the two parliamentary leaders. Warrants for their arrest were issued, and in 2008, a Uruguayan federal appeals court confirmed the charges of multiple murders against Bordaberry. In August 2008, Uruguay's Office of the Prosecutor requested an extended sentence for Blanco based on new charges regarding the forced disappearance of a kidnapped teacher in 1976; the case was pending at year's end.

Under its reinterpretation of the 1986 amnesty law, which allowed for higher-level officers to be tried, the administration arrested several police chiefs and army leaders in 2006 and 2007 for human rights violations committed during military rule, while Vazquez dismissed an army chief known for his opposition to investigating military crimes. The government's investigation into those disappeared in the dirty war included excavating military barracks where victims were suspected to be buried. In December 2007, a former military dictator Gregorio Alvarez was jailed for the abduction of political opponents committed during the military rule. In 2008, the Vazquez government continued to investigate human rights violations committed during the military dictatorship, though no further arrests were made during the year.

Uruguay fully repaid its International Monetary Fund (IMF) obligations in No-

vember 2006, thereby terminating the government's IMF agreement. Economic officials have nevertheless pledged to continue the agreement's goals of fiscal restraint, low inflation, and structural reform. In July 2007, a revenue-neutral tax reform that introduced a personal income tax and simplified the tax system came into effect. However, tensions between the moderates dominating the economic team and the more left-leaning wing of the Broad Front threatened to slow structural reform. For example, pressures from unions forced the government to shelve plans to negotiate a free trade agreement with the United States in 2007. Progress on structural economic reform was stalled in 2008 as congressional leaders steered away from potentially unpopular and divisive economic measures ahead of the October 2009 presidential and congressional elections.

### **Political Rights and Civil Liberties:**

Uruguay is an electoral democracy. The 2004 elections were free and fair. The 1967 constitution established a bicameral General Assembly consisting of the 99-member House of Representatives and the 30-member Senate, with all members serving five-year terms. The president is directly elected for a single five-year term. The next presidential and congressional elections will be held in October 2009, with a primary in June 2009.

The major political parties and groupings are the Colorado Party, the Independent Party, the National (or Blanco) Party, and the ruling Broad Front coalition. The latter includes the Movement of Popular Participation (MPP), the New Space Party, the Socialist Party, and the Uruguayan Assembly, among other factions.

The Transparency Law (Ley Cristal) criminalizes a broad range of potential abuses of power by officeholders, including the laundering of funds related to public corruption cases. In 2005, the government announced that it had reached an important antinarcotics agreement with the United States, including tight controls on money laundering in a country previously known as a bank-secrecy haven. Uruguay was ranked 23 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index, second only to Chile in Latin America.

Constitutional guarantees regarding free expression are generally respected, and violations of press freedom are rare. The press is privately owned, and broadcasting includes both commercial and public outlets. Numerous daily newspapers publish, many of them associated with political parties; there are also a number of weeklies. The government does not place restrictions on internet usage.

Freedom of religion is a cherished political tenet of democratic Uruguay and is broadly respected. The government does not restrict academic freedom.

Rights to freedom of assembly and association are provided for by law, and the government generally observes these in practice. Civic organizations have proliferated since the return of civilian rule. Numerous women's rights groups focus on problems such as violence against women and societal discrimination. Workers exercise their right to join unions, bargain collectively, and hold strikes. Unions are well organized and politically powerful. A general strike was staged on August 20, 2008, demanding higher real wage increases; the strike closed most public offices, schools, and commercial banks. Wage negotiations were completed by Uruguay's wage councils—the collective bargaining entities comprising representatives from the business sector, the government, and the unions.

The judiciary is relatively independent but has become increasingly inefficient



in the face of escalating crime, particularly street violence and organized crime. The court system is severely backlogged, and pretrial detainees often spend more time in jail than they would if convicted of the offense in question and sentenced to the maximum prison term. Allegations of police mistreatment, particularly of youthful offenders, have increased. However, prosecutions of such acts are also occurring more frequently. Prisons, which are overcrowded, were at 128 percent capacity in 2008. Many prisoners rely on visitors for food, and medical care is substandard. According to a 2008 Honorary Anti-Tuberculosis Commission report, 35 percent of Uruguay's prison population has tuberculosis.

The small black minority, comprising an estimated 9 percent of the population, continues to face discrimination and economic difficulties. Violence against women also remains a problem. Women enjoy equal rights under the law but face traditional discriminatory attitudes and practices, including salaries averaging about two-thirds those of men. As of the end of 2008, no gender discrimination cases had ever reached a courtroom, and violence against women was on the rise. On a positive note, women hold 15 parliamentary seats, and 4 of the 13 cabinet members are women. In December 2007, congress approved gay civil unions, making Uruguay the first South American country to approve these rights nationwide.

## Uzbekistan

**Population:** 27,200,000

**Capital:** Tashkent

**Political Rights:** 7

**Civil Liberties:** 7

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,7NF	7,7NF	7,7NF	7,7NF

### Overview:

In 2008, the United States and the European Union reengaged with Uzbekistan after a period of very strained relations following a violent government crackdown in the city of Andijon in 2005. On the domestic front, no notable changes occurred during the year, as Uzbekistan remained marked by repressive state controls and the denial of basic human rights and freedoms.

Uzbekistan gained independence from the Soviet Union through a December 1991 referendum. In a parallel vote, Islam Karimov, former Communist Party leader and chairman of the People's Democratic Party (PDP), the successor to the Communist Party, was elected president with a reported 88 percent of the ballots. The only independent candidate, Erk (Freedom) Party leader Mohammed Solih, claimed elec-

tion fraud. Solih fled the country two years later, and his party was forced underground. Only progovernment parties were allowed to compete in elections to the first post-Soviet legislature in December 1994 and January 1995. A February 1995 referendum to extend Karimov's first five-year term in office until 2000 was allegedly approved by 99 percent of the country's voters.

The government's repression of the political opposition and of Muslims not affiliated with state-sanctioned religious institutions intensified after a series of deadly bombings in Tashkent in February 1999. The authorities blamed the attacks on the Islamic Movement of Uzbekistan (IMU), an armed group seeking to overthrow the secular government and establish an Islamic state.

All of the five parties that competed in the December 1999 parliamentary elections, which were strongly criticized by international monitors, supported the president. In the January 2000 presidential poll, Karimov defeated his only opponent, allegedly winning 92 percent of the vote. The government refused to register genuine opposition parties or permit their members to stand as candidates. A January 2002 referendum extended presidential terms from five to seven years.

A series of suicide bomb attacks and related violent clashes in late March and early April 2004 killed some 50 people. Police appeared to be the main targets, prompting speculation that the bombings were carried out by vengeful relatives of those imprisoned for alleged religious extremism. The authorities blamed radical international Islamist groups—particularly the al-Qaeda-linked IMU and the banned Hizb ut-Tahrir (Party of Liberation)—and denied any connection to the government's repressive political and economic policies. Suicide bombers killed several people outside the U.S. and Israeli embassies in July 2004 amid conflicting claims of responsibility. In December, elections for the lower house of a new bicameral parliament were held, with only the five legal, pro-presidential parties allowed to participate.

The city of Andijon in the Ferghana Valley witnessed a popular uprising and violent security crackdown in May 2005. On May 10 and 11, family members and supporters of 23 local businessmen charged with involvement in a banned Islamic group staged a peaceful demonstration in anticipation of the trial verdict. The situation turned violent when armed supporters stormed a prison, freed the 23 businessmen and other inmates, and captured the local government administration building. Thousands of local residents subsequently gathered in the city center, where people began to speak out on political and economic issues, often making antigovernment statements.

Security forces responded by opening fire on the crowd, which included many women and children. Although the authorities maintained that the protesters were the first to open fire, eyewitnesses reported that the security forces began shooting indiscriminately. Official figures put the death toll at 187, but unofficial sources estimated the dead at nearly 800, most of them unarmed civilians. The government accused Islamic extremists of orchestrating the demonstrations, though most of the demonstrators appeared to have been motivated by economic and social grievances, and many of those present had come to witness the events rather than participate in protests.

Karimov repeatedly rejected calls from the United Nations, the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE), and the United States for an independent international inquiry into the violence. In July 2005,

Uzbekistan gave the United States six months to leave its military base at Karshi-Khanabad, which it had been allowed to use to support operations in Afghanistan since late 2001. Russia and China supported the official account of the violence.

The Uzbek authorities instituted a wide-ranging crackdown after the Andijon incident, targeting nongovernmental organizations (NGOs) with foreign funding, potential political opposition figures, human rights defenders, and even former officials. This policy continued in 2006 and 2007.

Karimov's seven-year term ended in January 2007, and the constitution barred him from running for reelection. While opposition parties abroad raised questions about Karimov's legitimacy after January, Uzbek officialdom was silent. Karimov won reelection in December 2007 with an official 88 percent of the vote. His daughter, Gulnara, who has extensive business interests in Uzbekistan and abroad, became Uzbekistan's Ambassador to the United Nations in Geneva in 2008, fueling speculation about a possible dynastic succession.

In 2008, Uzbekistan extended moves it had begun in 2007 to normalize relations with the United States and the EU. In April, Karimov attended a NATO summit in Romania and approved overland NATO transports to Afghanistan. A number of U.S. officials visited Uzbekistan in 2008, and the EU also pursued engagement, lifting an Andijon-related travel ban on eight Uzbek officials in October despite the objections of human rights groups. Uzbekistan's strong ties with Russia cooled somewhat, and Tashkent withdrew from the Russian-dominated Eurasian Economic Community in November.

**Political Rights and Civil Liberties:** Uzbekistan is not an electoral democracy. President Islam Karimov and the executive branch dominate the legislature and judiciary, and the government severely represses all political opposition. According to current constitutional rules, the president is limited to two seven-year terms, but Karimov was nevertheless reelected in December 2007. A dubious referendum in 2002 replaced the country's single-chamber legislature with a bicameral parliament consisting of a 120-seat lower house (with members elected by popular vote for five-year terms) and a 100-member upper house, or Senate (with 84 members elected by regional councils and 16 appointed by the president).

Only five political parties, all progovernment, are registered, and no genuine opposition parties function legally. A March 2007 law intended to expand the role of registered parties had no real effect on the moribund political arena. Members of unregistered secular opposition groups, including Birlik and Erk, are subject to discrimination, and many live in exile abroad. The Sunshine Uzbekistan opposition movement was effectively smashed in 2006 with the conviction and imprisonment of its leader, businessman Sanjar Umarov, on a variety of economic charges.

Corruption is widespread, ranging from murky business deals involving members of the president's family to the reportedly pervasive harassment of small merchants and cross-border traders. Uzbekistan was ranked 166 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

While the constitution guarantees the right to free speech, freedoms of speech and the press, particularly with regard to reports on the government and Karimov, are restricted in practice. The state controls major media outlets as well as newspa-

per printing and distribution facilities. Although official censorship was abolished in 2002, it has continued through semiofficial mechanisms that strongly encourage self-censorship. The authorities cracked down on independent and foreign media outlets after the violence in Andijon; Radio Free Europe/Radio Liberty (RFE/RL) was forced out of Uzbekistan in December 2005. The OpenNet Initiative has found that the government systematically blocks websites with content that is critical of the regime. State-controlled television has aired "documentaries" smearing perceived opponents, including a program in 2007 on journalist Alisher Saipov—who was subsequently murdered in Kyrgyzstan—and broadcasts in 2008 that revealed personal information about RFE/RL journalists and incited hostility against religious minorities.

The government permits the existence of mainstream religions, including approved Muslim, Jewish, and Christian denominations (primarily Protestants), but treats unregistered activities as a criminal offense. Christian minorities suffered greater harassment in 2008. The state also exercises strict control over Islamic worship, including the content of sermons. Suspected members of banned Muslim organizations and their relatives have been subjected to arrest, interrogation, torture, and extortion. Starting in November 2006, the U.S. State Department has repeatedly named Uzbekistan as a country of "particular concern" for violations of religious freedom.

The government limits academic freedom, according to the U.S. State Department's 2008 human rights report. While professors generally are required to have their lectures preapproved, enforcement varies. Bribes are commonly required to gain entrance to exclusive universities and to obtain good grades.

Open and free private discussion is limited by the *mahalla* committees, traditional neighborhood organizations that the government has turned into an official system for public surveillance and control.

Despite constitutional provisions for freedom of assembly, the authorities severely restrict this right in practice. Law enforcement officials have used force to prevent demonstrations against human rights abuses, and participants have been harassed, arrested, and jailed.

Freedom of association is severely restricted, and unregistered NGOs face extreme difficulties and harassment. After the unrest in Andijon, the government intensified persecution of human rights activists and NGOs, particularly those that receive funding or other support from the United States and the EU. In 2005-06, court decisions led to the temporary or permanent closure of virtually all foreign-funded organizations in Uzbekistan. Human Rights Watch representative Igor Vorontsov was expelled from the country in July 2008. Throughout the year, nonpolitical local NGOs faced continued pressure and occasional forced closures from the authorities. Membership in the government-controlled National Association of Non-Government and Non-Commercial Organizations was described by one local advocate as "voluntary but compulsory." The Council of the Federation of Trade Unions is dependent on the state, and no genuinely independent union structures exist. Organized strikes are extremely rare.

The judiciary is subservient to the president, who appoints all judges and can remove them at any time. The creation in 2008 of a Lawyers' Chamber with compulsory membership increased state control over the legal profession. Police routinely abuse and torture suspects to extract confessions, which are accepted by judges as

evidence and often serve as the basis for convictions. A 2007 report by Human Rights Watch described torture as "endemic" to the criminal justice system. Law enforcement authorities routinely justify the arrest of suspected Islamic extremists or political opponents with planted contraband or dubious charges of financial machinations. In October 2008, rights activist Akzam Turgunov was sentenced to a 10-year prison term for extortion, and RFE/RL correspondent Solijon Abdurahmonov received an identical sentence that month on drug charges. A number of political prisoners were released in 2008, but others remained jailed, and the poet Yusuf Juma received a five-year prison sentence after calling for President Karimov's resignation in 2007. In a positive move, the government in 2008 released five prominent human rights defenders from prison, banned the death penalty, and introduced the right of habeas corpus. However, it was unclear whether the latter innovation had any real effect.

Prisons suffer from severe overcrowding and shortages of food and medicine. As with detained suspects, prison inmates—particularly those sentenced for their religious beliefs—are often subjected to abuse or torture, and Human Rights Watch has documented a number of torture-related deaths in custody during the last few years. MutabarTojiboyeva, a rights activist released in 2008 after several years behind bars, described prisons as "islands of torture."

Although racial and ethnic discrimination is prohibited by law, the belief that senior positions in government and business are reserved for ethnic Uzbeks is widespread.

Permission is required to move to a new city, and the authorities rarely grant permission to move to Tashkent. Bribes are commonly paid to obtain the necessary registration documents. Restrictions on foreign travel include the use of exit visas, which are often issued selectively. Nevertheless, millions of Uzbeks, primarily men of working age, seek employment abroad, particularly in Russia and Kazakhstan. There were reports in 2008 of evictions in Tashkent without due process or compensation to make way for new housing developments.

Widespread corruption and the government's tight control over the economy limit equality of opportunity. There has been little reform in the country's agricultural sector, in which the state sets high production quotas and low purchase prices for farmers. In a move reminiscent of Soviet-era collectivization, an October 2008 presidential decree ordering small, independent farmers to join larger agricultural associations resulted in smaller farm lands being arbitrarily confiscated and given to larger, mostly government-affiliated farmers. A series of regulations and decrees over the last few years have placed increasing restrictions on market traders.

Women's educational and professional prospects are limited by cultural and religious norms and by ongoing economic difficulties. Victims of domestic violence are discouraged from pressing charges against perpetrators, who rarely face prosecution. The trafficking of women abroad for prostitution remains a serious problem. The prime minister signed a decree in September 2008 to implement International Labor Organization accords on child labor, but reports indicated that the use of child labor remained widespread during the year's cotton harvest.

# Vanuatu

**Population:** 200,000

**Capital:** Port Vila

**Political Rights:** 2

**Civil Liberties:** 2

**Status:** Free



**Ten-Year Ratings Timeline For Year Under Review  
(Political Rights, Civil Liberties, Status)**

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,3F	1,3F	1,3F	1,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

## Overview:

A record number of candidates competed in the September 2008 parliamentary elections, and Edward Natapei was chosen as prime minister. Later in the year, the opposition failed on three occasions to bring about no-confidence votes against Natapei. Meanwhile, the government raised the country's minimum wage for the first time in three years.

The archipelago now known as Vanuatu was governed as an Anglo-French "condominium" from 1906 until independence in 1980. The Anglo-French legacy continues to split society along linguistic lines in all spheres of life, including politics, religion, and economics.

Widespread corruption and persistent political fragmentation have caused many governments to collapse or grow dysfunctional. To restore public trust and government stability, Prime Minister Serge Vohor in 2004 proposed constitutional amendments that would bar no-confidence votes for 12 months before and after a parliamentary election, require a by-election in any constituency whose representative changed parties, and extend parliamentary terms from four to five years. Parliament approved these proposals for a constitutional referendum in 2005, but the vote has yet to be held.

In February 2007, the electoral office increased the size of the multiseat parliamentary constituency for the island of Efate, where the capital is located, from four to six seats. However, the separate constituency for urban Port Vila itself was reduced from six seats to four.

The government declared a two-week state of emergency in the capital on March 3, following deadly clashes between people from Tanna and Ambrym islands in the Blacksands squatter area, which was home to thousands of migrants from the outer islands. Public meetings were prohibited during the emergency, and some restrictions on freedom of movement were imposed. The violence, sparked by allegations of black magic, killed two people and led to 200 arrests.

Parliamentary elections were held in 2008, and a record 341 candidates competed for all 54 seats. Although there were a handful of reports of fraud and irregularities, mainly from opposition candidates, the elections were deemed credible. The

Vanua'aku Party won 11 seats, followed by the Vanuatu National United Party with 8, the Union of Moderate Parties with 7, and the Vanuatu Republican Party also with 7. On September 22, Parliament elected Edward Natapei of the Vanua'aku Party to succeed Ham Lini as the new prime minister; Natapei had previously served as prime minister from 2001 to 2004. The opposition subsequently attempted to unseat Natapei with three separate no-confidence votes in October, November, and December. However, a lack of parliamentary support compelled them to withdraw their proposals in each instance.

Vanuatu secured \$66 million in development assistance over five years from the U.S. Millennium Challenge Account in 2006, but real progress on economic reform and strengthening the rule of law remain difficult in a political environment dominated by ethnic, tribal, and personal rivalries. The U.S. Government Accountability Office reported in 2008 that Vanuatu is making progress in creating jobs and increasing per capita income. However, youth unemployment remains acute, according to the United Nations Economic and Social Commission for Asia and the Pacific, and crime has worsened, particularly in the capital. In October 2008, the government raised the minimum wage to \$281 per month; the last increase had been in 2005.

### **Political Rights and Civil Liberties:**

Vanuatu is an electoral democracy. The constitution provides for parliamentary elections every four years. The prime minister, who appoints his own cabinet, is chosen by the 52-seat unicameral Parliament from among its members. Members of Parliament and the heads of the six provincial governments also form an electoral college to select the largely ceremonial president for a five-year term. The National Council of Chiefs works in parallel with Parliament, exercising authority mainly over language and cultural matters. No-confidence votes have forced several changes of government in recent years. Parliamentary coalitions have been formed and dissolved with increasing frequency since the 1990s, and fraud and bribery are widespread in elections.

Many political parties are active, but individual rivalries are intense, and politicians frequently switch affiliations. Politics is also driven by linguistic and tribal identity. The leading parties are the Vanua'aku Party, the National United Party, and the francophone Union of Moderate Parties.

Corruption is a serious problem and does not appear to be improving. Corruption allegations forced Prime Minister Barak Sope to resign in 2001. President Alfred Maseng Nalo was removed from office in 2004 after a revelation that he was serving a two-year suspended sentence on corruption charges. In July 2008, the Ombudsman's office accused Paul Avock Hungai, the mayor of Port Vila, and Harry Iauko, a legislator, of corruption and abuse in selling public land below its assessed value. Vanuatu was ranked 109 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government generally respects freedoms of speech and the press. The state-owned Television Blong Vanuatu broadcasts in English and French. Radio Vanuatu is the only radio station. The state-owned *Vanuatu Weekly*, along with several privately owned daily and weekly papers (*Vanuatu Daily Post*, *L'Hebdo Du Vanuatu*, *Port Villa Press*, *Nasara*, and *Ni-Vanuatu*), supply international, national, and local news. Most media outlets deliver information in Bismala (a pidgin), English, or French. In August 2008, a new private Bismala-language newspaper, the *Bismala*

*Wikli Post*, was launched. In March 2008, the private mobile telephone operator Digicel secured a license to operate in the country. The following month, the government sold its majority shares in the privately owned Telecom Vanuatu Limited, effectively ending its monopoly in telecommunications services. The number of internet users is increasing, but diffusion is limited by cost and access challenges outside the capital.

The government generally respects freedom of religion in this predominantly Christian country. Members of the clergy have held senior government positions, including president and prime minister. There were no reports of restrictions on academic freedom.

The law provides for freedoms of association and assembly, and the government typically upholds these rights. Civil society groups are active on a variety of issues. There are five independent trade unions organized under the umbrella Vanuatu Council of Trade Unions. Workers can organize unions, bargain collectively, and strike. Public demonstrations are permitted by law and generally allowed in practice.

The judiciary is largely independent, but it is weak and inefficient. Lack of resources hinders the hiring and retention of qualified judges and prosecutors. Long pretrial detentions are common. Tribal chiefs often adjudicate local disputes, but their punishments are sometimes deemed excessive. Vanuatu has no military. The Vanuatu Mobile Force is a paramilitary wing of the small police force, and both are under the command of a civilian police commissioner. Reports of police abuse are infrequent and minor. Prison conditions are poor. In December 2008, 30 inmates escaped from the main prison in Port Vila following a fire; the government said that it would investigate the prisoners' claims of abuse and poor living conditions there.

Vanuatu is suspected of being used as a transit point for trafficked persons heading to North America, Japan, and Western Europe for prostitution and labor.

Local traditions are frequently sources of discrimination against women. There are only two women in Parliament. Violence against women is common and particularly severe in rural areas. Spousal rape is not a crime, and no law prohibits domestic abuse or sexual harassment. Most cases go unreported because the victims fear reprisal or are discouraged by family pressure, and the police and courts generally hesitate to intervene or impose stronger punishments on offenders. The traditional practice of "bride payment," or dowry, remains common; critics charge that it encourages the view that women are property.



## ↓ Venezuela

**Population:** 27,900,000

**Capital:** Caracas

**Political Rights:** 4

**Civil Liberties:** 4

**Status:** Partly Free



**Trend Arrow:** Venezuela received a downward trend arrow due to the politically motivated disqualification of opposition candidates and the abuse of state resources by incumbent politicians during state and local elections.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,4PF	3,5PF	3,5PF	3,4PF	3,4PF	3,4PF	4,4PF	4,4PF	4,4PF	4,4PF

### Overview:

The run-up to Venezuela's state and local elections in November 2008 was characterized by politically motivated disqualifications of opposition candidates and the abuse of state resources, though the balloting itself was orderly and the vote count appeared fair. A large majority of races were won by candidates associated with President Hugo Chavez, but the opposition won in a number of populous states and districts. In July, Chavez issued a set of decrees that signaled the increased militarization of society. Meanwhile, bilateral relations with both neighboring Colombia and the United States deteriorated significantly during the year.

The Republic of Venezuela was founded in 1830, nine years after independence from Spain. Long periods of instability and military rule ended with the establishment of civilian rule in 1958 and the approval of a constitution in 1961. Until 1993, the center-left Democratic Action (AD) party and the Social Christian Party (COPEI) dominated politics under an arrangement known as the Punto Fijo pact. President Carlos Andres Perez (1989-93) of the AD, already weakened by the violent political fallout from his free-market reforms, was nearly overthrown by Lieutenant Colonel Hugo Chavez and other nationalist military officers in two 1992 coup attempts, in which dozens of people were killed. Perez was subsequently impeached as a result of corruption and his inability to stem the social consequences of economic decline, which had coincided with lower oil prices beginning in the 1980s. Rafael Caldera, a former president (1969-74) and founder of COPEI, was elected president in late 1993 as head of the 16-party Convergence coalition, which included both left- and right-wing groups.

Chavez won the 1998 presidential contest on a populist, anticorruption platform, ousting the long-ruling political parties, which were unable to agree on a single candidate. A Constituent Assembly dominated by Chavez followers drafted a new constitution that strengthened the presidency and introduced a unicameral National

Assembly. After voters approved the charter in a 1999 referendum, the bicameral Congress and the Supreme Court of Justice were dismissed, and fresh elections were called for 2000. Although Chavez was reelected president, opposition parties won most governorships, about half of the mayoralties, and a significant share of National Assembly seats.

In April 2002, following the deaths of 19 people in a massive antigovernment protest, dissident military officers attempted to oust Chavez, the vice president, and the National Assembly with backing from some of the country's leading business groups. However, the coup was resisted by loyalist troops and protests by Chavez supporters. Chavez was reinstated and moved swiftly to regain control of the military, replacing dozens of senior officers.

The country was racked by continued protests, and in early December, opposition leaders called a general strike that lasted 62 days but ultimately weakened their political position as well as the economy. While fending off his opponents with legal maneuvers and intimidation tactics, Chavez launched bold social-service initiatives, including urban health care and literacy projects, many of which were staffed by thousands of experts from Cuba. Chavez won a 2004 presidential recall referendum—triggered by an opposition signature campaign—with 58 percent of the vote amid high turnout.

Even as Venezuela faced multiple social and economic problems, Chavez continued to focus on increasing his influence over the judicial system, the media, and other institutions of civil society. The National Assembly, controlled by his supporters, approved a measure allowing it to remove and appoint judges to the Supreme Tribunal of Justice, which had replaced the old Supreme Court in 1999 and controlled the rest of the judiciary. The legislation also expanded the tribunal's membership from 20 to 32 justices.

National Assembly elections in 2005 were boycotted by the opposition, which accused the National Electoral Council (CNE) of allowing violations of ballot secrecy. A mere 25 percent of eligible voters turned out on election day, and all 167 deputies in the resulting National Assembly were government supporters.

In the 2006 presidential election, Zulia state governor Manuel Rosales ran for the opposition under the banner of the *Un Nuevo Tiempo* (A New Time) party, railing against crime and corruption while pledging to maintain generous social programs. However, most poor Venezuelans continued to support Chavez, who had delivered material benefits to the lower classes. State resources were again deployed on Chavez's behalf, and the incumbent defeated Rosales 61 percent to 38 percent. The balloting generally proceeded without incident and was pronounced fair by international observers.

Soon after the vote, Chavez pressed forward with his program of institutional changes. All progovernment parties merged into the Unified Socialist Party of Venezuela (PSUV), and the "Bolivarian revolution" deepened economically with a series of nationalizations. At the end of January 2007, the National Assembly voted to give the president decree power on a broad array of issues for 18 months.

In May 2007, the state took control of the frequency and equipment of the nation's oldest television station, RCTV. The renewal of its license was denied based on what Chavez claimed were the station's ongoing efforts to destabilize the government. The decision was decried by human rights and press freedom organiza-

tions and challenged by groups of university students, who mounted large street protests that gained wide sympathy but were at times forcibly repressed.

Referendum voters in December 2007 narrowly defeated a package of constitutional amendments that had been drafted by the executive and National Assembly with little outside consultation. The raft of changes, which would have amended 69 of the charter's 350 articles, included new presidential powers to redraw the country's territorial divisions and appoint local officials; the establishment of an official six-hour workday and a new pension scheme for informal workers; the formalization of new, ambiguous property classifications; and an expansion of the president's power to declare indefinite states of emergency, which could include limits on due process and freedom of information. However, the most prominent amendment—which the opposition considered the key motivation behind the larger package—would have removed presidential term limits.

The vote reflected robust opposition participation, public disappointment with rising inflation and crime rates, and a degree of disaffection among current and former Chavistas, including some formerly prominent leaders. As the ballots were counted, it became clear that apathy among Chavista voters had cost the government victory; whereas the "no" vote was comparable to what Rosales had won in 2006, the "yes" vote was some three million ballots short of what Chavez had tallied at that time.

In June 2008, the government announced a new intelligence law that would have obliged citizens to inform the security services of potential "counterrevolutionary" threats and allowed warrantless raids, anonymous witnesses, and secret evidence. However, immediate domestic and international outcry led to the law's rapid withdrawal. In late July, at the end of his 18 months of decree-making power, Chavez unveiled a set of 26 new laws. Some appeared designed to institute measures that were rejected in the December 2007 referendum, including presidential authority to name new regional officials and the reorganization of the military hierarchy.

The playing field for the November 2008 state and local elections was more skewed than in previous years. In July, the nominally independent but government-friendly comptroller general announced the disqualification of over 300 candidates, including a number of opposition leaders, primarily on charges of corruption. The disqualified candidates and other legal experts questioned the legality of the ban, which appeared to violate the constitutional provision that only citizens convicted of a crime can be excluded from candidacy, but the Supreme Court validated the disqualifications.

PSUV and other Chavez-aligned candidates enjoyed massive publicity in state-controlled media and other resource advantages, allegedly including the distribution of appliances and cash to voters. Opposition candidates focused on perceived failures in public services by Chavista officials and benefited, to a lesser degree, from coverage in the opposition press.

The balloting was deemed peaceful and fair by the Organization of American States, and turnout was high at 65 percent. Despite the Chavistas' advantages, the opposition captured the mayoralty of Caracas and 4 of the capital's 5 districts, as well as Venezuela's second-largest city and 5 of 22 states, including the 3 richest and most populated—Zulia, Miranda, and Carabobo. Several of Chavez's top lieutenants lost their races. Meanwhile, the government candidates won 17 states and

some 80 percent of the mayoralties; the opposition had failed to field unity candidates in many of the mayoral races. While both the government and the opposition claimed victory, most analysts considered the opposition to have done better than expected. Meanwhile, the nascent "dissident Chavista" movement was all but wiped out, again reaffirming Venezuela's polarization.

Also in 2008, Chavez announced plans for a new referendum on lifting presidential term limits in early 2009. Critics said the vote was designed to secure the president's political future before the country felt the full impact of the global economic crisis, and the associated plunge in oil revenues, in the second half of 2008.

Venezuela's relations with Colombia soured in early 2008 after a March raid into Ecuador by Colombian forces yielded alleged evidence of ties between Venezuelan officials and Colombian rebels. Relations with the United States also suffered setbacks during the year. Chavez in September expelled the U.S. ambassador to show solidarity with Bolivia, which was engaged in a separate diplomatic spat with Washington. However, analysts also blamed U.S.-Venezuelan disagreements over drug policy, supposed U.S. coup-mongering, and a U.S. court case that appeared to expose Venezuelan financing of an Argentine election campaign. Later in September, Chavez expelled two Human Rights Watch representatives after the U.S.-based group released a critical report on Venezuela. Over the past several years, Chavez had increased friction with the United States by creating ostensible leftist alternatives to U.S.-backed trade pacts and institutions like the World Bank and the Organization of American States, garnering regional support with generous oil subsidies, seeking weapons purchases and other cooperation from Iran and Russia, and either explicitly or tacitly supporting favored electoral candidates in neighboring countries.

### **Political Rights and Civil Liberties:**

Venezuela is not an electoral democracy. While the act of voting is relatively free and the count is fair, the political opposition is forced to operate under extremely difficult conditions, and the separation of powers is nearly nonexistent.

The 2005 National Assembly elections were marred by an opposition boycott based on concerns that ballot secrecy would be compromised by mechanized voting machines and fingerprint-based antifraud equipment. After the failed 2004 presidential recall referendum, tens of thousands of people who had signed petitions in favor of the effort found that they could not get government jobs or contracts or qualify for public assistance programs; they had apparently been placed on an alleged blacklist of Chavez's political opponents. In April 2006, a new CNE board of directors was appointed by the legislature. Although a majority of the board were supporters of President Hugo Chavez, the opposition decided to actively contest the 2006 presidential election. The voting was generally considered free and fair, but the CNE was ineffectual at limiting Chavez's use of state resources. He enjoyed a massive advantage in television exposure, and the promotion of social and infrastructure projects often blurred the line between his official role and his electoral campaign.

Public resources were also exploited ahead of the December 2007 constitutional referendum and the November 2008 state and local elections. The balloting in 2007 was conducted largely without incident, and the opposition expressed satisfaction with the auditing system, but full, final results, which could have allayed any lingering suspicions, were not released.

The unicameral National Assembly is composed of 167 members elected by popular vote to serve five-year terms. Chavez's control of the Assembly was virtually complete after the opposition's boycott of the 2005 elections, though it ebbed slightly after the 2007 defection of the PODEMOS party. His powerful grip allows him to curb the independence of government institutions, including the Supreme Tribunal of Justice, the intelligence services, and the Citizen Power branch of government, which was created by the 1999 constitution to fight corruption and protect citizens' rights. Chavez also benefited from the January 2007 "enabling law" that granted him authority to legislate by decree on a wide range of topics through mid-2008. The president, who is both head of state and head of government, is directly elected for up to two six-year terms.

The merger of government-aligned parties into the PSUV was largely complete by 2008. The opposition has struggled to overcome ideological and programmatic shortcomings, the taint of discredited leaders from the pre-Chavez era, and the obstacles presented by Chavez's popularity and access to state resources. However, opposition factions appeared to cooperate more effectively in 2007 and 2008. Newer opposition parties include Un Nuevo Tiempo, which presidential candidate Manuel Rosales adopted in 2006, and Primero Justicia (Justice First).

The Chavez government, plays a highly active role in regulating the economy, and has done little to remove vague or excessive regulatory restrictions that increase opportunities for corruption. Several large development funds are controlled by the executive branch without oversight. Anticorruption efforts are sporadic and focus on violations by the regime's political opponents. Transparency International ranked Venezuela 158 out of 180 countries surveyed in its 2008 Corruption Perceptions Index.

Although the constitution provides for freedom of the press, the media climate is permeated by intimidation, sometimes including physical attacks, and strong antimedia rhetoric by the government is common. During 2008, the local nongovernmental organization (NGO) Public Sphere reported 52 cases of aggression and 47 cases of intimidation among the total of 186 violations of free expression it registered during the year. This included several incidents in which armed progovernment groups assaulted the offices of opposition outlets; these actions were disavowed by the government. Opposition outlets remain hostile toward the government, but their share of the broadcast media has declined markedly in recent years. The 2004 Law on Social Responsibility of Radio and Television gives the government the authority to control the content of radio and television programs. According to the Inter American Press Association, the government "has used public funds to establish many publications, television and radio stations which enjoy unlimited budgets." During the 2006 and 2008 elections and the 2007 referendum campaign, coverage by state media was overwhelmingly biased in favor of the government; private outlets also exhibited bias, though to a somewhat lesser degree. When explaining the nonrenewal of RCTV's license in 2007, the government referred repeatedly to the station's "undemocratic" actions during the 2002 coup attempt; however, other stations that had been equally anti-Chavez but subsequently toned down their criticism were not similarly punished. The government does not restrict internet access.

Constitutional guarantees of religious freedom are generally respected by the government, though tensions with the Roman Catholic Church remain high. Gov-

ernment relations with the small Jewish community have also been strained, particularly due to Chavez's ties with Iranian president Mahmoud Ahmadinejad and his anti-Israel rhetoric, which was especially harsh during the Gaza conflict that began near the end of 2008. Academic freedom has come under mounting pressure in recent years with the formulation of a new curriculum that emphasizes socialist concepts; though implementation has been delayed, the curriculum is set to be applied in all private and public schools. Ideological friction in universities has increased: elections for student associations and administration positions have become even more politicized, and rival groups of students have clashed repeatedly, especially during the run-up to the 2007 constitutional referendum.

Freedom of peaceful assembly is guaranteed in the constitution, and protests are common. However, the rise of the student movement in 2007 caused a spike in confrontations with the government. Local human rights group Provea noted an increased "tendency toward the criminalization of protest" in 2007, with more arrests and repression of marches. Its 2008 report described a diminution of repression, but tensions appeared to be on the rise at year's end with the approach of the 2009 term-limits referendum.

In 2000, the Supreme Tribunal ruled that NGOs with non-Venezuelan leaders or foreign government funding are not part of "civil society." As a result, they may not represent citizens in court or bring their own legal actions. The Chavez government has also made an effort to undermine the legitimacy of human rights and other civil society organizations by questioning their ties to international groups. Dozens of human rights defenders have been subject to threats and even violent attacks in recent years; in 2008, the list of prominent defenders reporting threats included Liliana Ortega of the human rights NGO COFA VIC, Humberto Prado of the Venezuelan Prison Observatory, and Jose Luis Urbano of the Foundation for the Defense of the Right to Education, who had been shot and wounded in 2007.

Workers are legally entitled to form unions, bargain collectively, and strike, with some restrictions on public sector workers' ability to strike. Control of unions is actively contested between traditional opposition-allied labor leaders, who allege that upstart workers' organizations mask Chavez's intent to create government-controlled unions, and the president's supporters, who maintain that the old labor regime was effectively controlled by AD, COPEI, and employers. The growing competition has contributed to a substantial increase in violence in the labor sector as well as confusion during industry-wide collective bargaining.

Politicization of the judicial branch has increased under Chavez, and the courts continue to be undermined by the chronic corruption (including the growing influence of narcotics traffickers) that permeates the entire government system. The judiciary's effectiveness remains tenuous, and it is unresponsive to charges of rights abuses. Conviction rates remain low, the public defender system continues to be underfunded, and the level of provisionality (lack of tenure) among judges is high. The courts generally do not rule against the administration, and Chavista officials accused of corruption or other offenses rarely face trial.

With over 50 homicides per 100,000 inhabitants, Venezuela's murder rate is now one of the world's highest. In this environment of rising crime, the police and military have been prone to corruption, widespread arbitrary detention and torture of suspects, and extrajudicial killings, according to both Provea's and the Public

Ministry's own reports. Such abuses are generally committed with impunity; although hundreds of police are investigated each year, few are convicted. A plan to modify and purge the police was completed in early 2008, but structural reforms are still in the early stages. Although prison reform is under discussion, the prison budget has moderately increased, and pretrial detention has been limited to two years, prison conditions remain among the worst in the Americas. The NGO Venezuelan Prison Observatory reported at least 422 violent deaths within prison walls in 2008.

Venezuela's military, which has long been largely unaccountable to civilian authorities, has grown more politicized under Chavez, even as its participation in social development and the delivery of public services has increased. In early 2007, Chavez obliged military personnel to recite the "fatherland, socialism, or death" slogan and declared that those who refused should exit the armed forces. However, a faction of the military is perceived as wary of the Bolivarian project. Meanwhile, former defense minister Raul Isaias Baduel asserts, as do foreign officials, that the military has adopted an increasingly permissive attitude toward narcotics trafficking and Colombian rebel activity inside Venezuela. In 2008, the formation of civilian militias received increased attention, as that year's package of decree laws included a measure that formalized executive control over the groups. There is also concern that the government has lost control over some of its supporters; one group, the "La Piedrita collective," controls a Caracas neighborhood, attacks opposition groups, and explicitly models itself on Cuba's revolutionary defense committees.

Property rights in Venezuela are affected by the government's penchant for nationalization. Following a series of strikes in 2002-03, Chavez replaced technocrats at PDVSA, the state oil company, with his own loyalists, to the detriment of the firm's technical reputation. The expropriation of large, idle landholdings has slowed in the last several years, but the nationalization of industrial holdings continues apace. In 2007, national telecommunications provider CANTV and electric utility Electricidad de Caracas were nationalized, while all oil producers in the Orinoco belt were obliged to hand majority stakes to the state; in 2008, the state took control of cement producers, a steel producer, and a Spanish bank.

The formal rights of indigenous people have improved under Chavez, although those rights—specifically the groups' ability to make decisions affecting their land, cultures, and traditions, and the allocation of natural resources—are seldom enforced by local political authorities. Indigenous communities trying to defend their land rights are subject to abuses, including murder, by gold miners and corrupt rural police. Indigenous-populated zones along the Colombian border are particularly troubled. The constitution reserves three seats in the National Assembly for indigenous people and also provides for "the protection of indigenous communities and their progressive incorporation into the life of the nation."

Women enjoy progressive rights enshrined in the 1999 constitution, as well as benefits offered under a major legislative act passed in March 2007. However, Amnesty International reported in 2008 that while some programs, such as a hotline for victims of domestic abuse, have been established to assist women, profound efforts at implementation are necessary for the law to have a major tangible impact. Meanwhile, domestic violence and rape remain common, and the courts have provided limited means of redress for victims. The problem of trafficking in women remains inadequately addressed by the government.

# Vietnam

**Population:** 86,200,000

**Capital:** Hanoi

**Political Rights:** 7

**Civil Liberties:** 5

**Status:** Not Free



## Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,5NF	7,5NF	7,5NF	7,5NF

### Overview:

Two journalists who had reported on high-level government corruption were found guilty in October 2008 of "abusing freedom and democratic rights." Tensions over land use, sometimes between the government and religious groups, continued throughout the year. Former prime minister Vo Van Kiet, who was considered the architect of Vietnam's economic reform and sometimes a blunt critic of the authorities, died in June. In November, the government announced strict enforcement of its two-child rule in an effort to control population growth.

Vietnam won full independence from France in 1954, but it was divided into a Western-backed state in the south and a Communist-ruled state in the north. Open warfare erupted between the two sides by the mid-1960s, and fighting persisted for more than a decade. A peace treaty in 1973 officially ended the war, but fighting did not cease until 1975, when North Vietnam claimed victory over the South. The country was formally united in 1976.

War and poor economic policies mired Vietnam in deep poverty, but economic reforms that began in 1986 have drastically transformed the country. Tourism is a major source of revenue, as is the export of foodstuffs and manufactured products; a stock market opened in 2000. However, political reform has not followed partial economic liberalization; criticism of the government is harshly suppressed, and official corruption is widespread. To protect the legitimacy and survival of the regime, recent governments have all declared anticorruption efforts a top priority and acknowledged that reform is needed within the ruling Communist Party of Vietnam (CPV). The leadership has also focused on closing the widening income gap between rural and urban populations *in* the country.

At the 10th congress of the CPV in April 2006, Nong Due Manh was reelected as the party's general secretary, a post he has held since 2001. Also that year, the CPV approved a proposal to allow members to engage in business, partly to attract young entrepreneurs into the party. In June 2006, Nguyen Minh Triet, head of the CPV in Ho Chi Minh City, was elected state president by the National Assembly, while Nguyen Tan Dung, a deputy prime minister, became prime minister.

To sustain economic growth, Vietnam needs foreign investment and access to



the U.S. and other overseas markets. Restrictions on political activity eased as Vietnam prepared for accession to the World Trade Organization (WTO). However, after Vietnam became the WTO's 150th member in January 2007, the government embarked on one of the strongest crackdowns against peaceful dissent in recent years, with nearly 40 dissidents arrested and more than 20 sentenced to long prison terms in 2007.

About 900 candidates competed in the May 2007 National Assembly elections. Of the 500 deputies chosen, only 50 did not belong to the CPV. In August 2007, the National Assembly approved the new cabinet of Prime Minister Nguyen, which included two relatively young deputy prime ministers with strong economic expertise and fluency in English. The prime minister also reduced the number of ministries, from 26 to 22, for his 28-member cabinet.

Vo Van Kiet, who had served as prime minister from 1991 to 1997 and was considered the chief architect of market-based reforms, died in June 2008; he had also called for national reconciliation in the run-up to the 2007 elections and urged CPV leaders to speak with political dissidents. Two prominent political dissidents, Thich Huyen Quang and Hoang Minh Chinh, died from natural causes during the year.

Rising food and fuel prices and the global credit crisis caused Vietnam's economy to slow during 2008, posing significant challenges for millions of low-income Vietnamese. While the government's population control measures have become more relaxed in recent years, the global economic slowdown renewed concern about the need to sustain economic growth, create jobs, and ensure social stability; in November, the government announced a strict enforcement of its two-child policy. Land disputes, which have become more frequent as the government appropriates land to lease to domestic and foreign investors, continued in 2008; victims rarely enjoy legal recourse, and the authorities have harassed or arrested participants of public demonstrations against these practices.

### **Political Rights and Civil Liberties:**

Vietnam is not an electoral democracy. Politics and the government are controlled by the CPV, and its Central Committee is the top decision-making body. The CPV is the sole legal political party, and no opposition parties are permitted. The National Assembly, consisting of 500 members elected to five-year terms, generally follows the party's dictates in legislation; all candidates for the assembly are vetted by the Vietnam Fatherland Front, an arm of the CPV, regardless of whether they are CPV members or independents. Delegates to the Assembly can speak about grassroots complaints, influence legislation, question state ministers, and debate legal, social, and economic issues, within limits set by the party. The president, elected by the National Assembly for a five-year term, appoints the prime minister, who is confirmed by the legislature.

Corruption and abuse of office are serious problems. Citizens complain about official corruption, governmental inefficiency, opaque bureaucratic procedures, and unreasonable land seizures. Although senior party and government officials have publicly acknowledged growing public discontent, the government has mainly responded with a few high-profile prosecutions of officials and private individuals rather than with comprehensive reforms. Vietnam was ranked 121 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The government tightly controls the media. Journalists who overstep the bounds of permissible reporting—for example, by writing about sensitive political and economic matters or the CPV's monopoly on power—are silenced using the courts or other forms of harassment. Foreign media representatives cannot travel outside Hanoi without government approval. Publications deemed offensive or inaccurate are subject to an official ban. A 1999 law requires journalists to pay damages to groups or individuals found to be harmed by press articles, even if the reports are accurate. Under a 2006 decree, journalists face large fines for transgressions of censorship laws, including denying revolutionary achievements, spreading "harmful" information, or exhibiting "reactionary ideology." In October 2008, journalists Nguyen Viet Chien of the newspaper *Thanh Nien* and Nguyen Van Hai of the newspaper *Tuoi Tre* were sentenced to two years in prison and reeducation without detention, respectively, for reporting in 2006 on a major corruption case in which senior officials used development funds to gamble on European football matches. Two police officers were also accused of leaking unauthorized information on the scandal to the media; one was given a one-year jail sentence, and the other received an official warning.

State-owned Vietnam Television broadcasts to the entire country. Vietnam acquired its own dedicated satellite in April 2008. Although satellite television is officially restricted to senior officials, international hotels, and foreign businesses, many homes and businesses have satellite dishes. All print media outlets are owned by or are under the effective control of the CPV, government organs, or the army, although several newspapers have attempted to push the limits of permissible coverage.

Although the number of internet users continues to increase, the government maintains tight control of the internet through legal and technical means. A 2003 law bans the receipt and distribution of antigovernment e-mail messages, websites considered "reactionary" are blocked, and owners of domestic websites must submit their content for official approval. Cyber cafes are required by law to register the personal information of and record the sites visited by users. Internet service providers face fines and closure for violating censorship rules. Ho Thi Bich Khuong, a leading internet writer advocating farmers' rights, was sentenced in April 2008 to two years in prison and three years of administrative detention for publishing reports on foreign websites about human rights violations in Vietnam. A government decree issued in December specifies the types of information that private bloggers may legally post on their blogs.

Religious freedom is still restricted, but the situation has improved in recent years due to international pressure and greater integration with the global economy. All religious groups and most individual clergy members must join a party-controlled supervisory body. One such body exists for each religion that the state officially recognizes: Buddhism; Roman Catholicism; Protestantism; Islam; Cao Daiism, a synthesis of several religions; and the Hoa Hao faith, a reformist Buddhist church. Religious groups must obtain permission for most activities, including personnel decisions and building renovations. A small number of religious leaders and adherents remain in prison or face other forms of government harassment. In recent years, the Catholic Church has been allowed to select its own new bishops and priests, although they must still be approved by the government, and clergy members have enjoyed greater freedom to travel both domestically and internationally.

Academic freedom is limited. University professors must refrain from criticizing government policies and adhere to party views when teaching or writing on political topics. The state appears to act most harshly against prominent prodemocracy activists. Private citizens can generally speak freely in private discussion without fear of repercussions.

Freedoms of association and assembly are restricted. Human rights organizations and other private groups with rights-oriented agendas are banned; a small but active community of nongovernmental groups promotes environmental conservation, women's development, and public health.

The Vietnam General Conference of Labor (VGCL), closely tied to the CPV, is the only legal labor union. All trade unions are required to join the VGCL. In recent years, the government has permitted hundreds of independent "labor associations" to represent workers at individual firms and in some service industries. Farmer and worker protests against local government abuses, including perceived unlawful actions to take away their land, and unfair or harsh working conditions have become more common. The central leadership uses such public demonstrations to pressure local governments and businesses to comply with tax laws, environmental regulations, and wage agreements. Enforcement of child labor, workplace safety, and other labor laws remains poor. In February 2008, workers at a Taiwanese-owned factory threatened to strike if their demand for a 20 percent wage hike was not met. After more than a month of negotiations, the strike was averted at the end of March when the factory owner agreed to a 10 percent wage increase.

Vietnam's judiciary is subservient to the CPV, which controls courts at all levels. Defendants have a constitutional right to counsel, but lawyers are scarce and many are reluctant to take on human rights and other sensitive cases for fear of harassment and retribution by the state. Defense attorneys cannot call or question witnesses and are only infrequently permitted to request leniency for their clients.

Police can hold individuals in administrative detention for up to two years on suspicion of threatening national security. The police are known to abuse suspects and prisoners, and prison conditions are poor. Many have been imprisoned for their political and religious beliefs; though there have been fewer arrests and more releases of religious prisoners in recent years. The death penalty is applied mainly for violent crimes, but it has been handed down in cases involving economic or drug-related offenses.

Ethnic and religious minorities face discrimination in mainstream society, and some local officials restrict their access to schooling and jobs. Minorities generally have little input on development projects that affect their livelihoods and communities. Human rights groups have accused the government of arresting more than 350 Montagnards ("mountain dwellers" in French) since 2001, and many are given long prison terms for protesting against land seizures and demanding greater religious freedom (many are Catholic).

Ordinary Vietnamese, particularly those living in major cities, are increasingly free of government intrusion into their daily lives, including their choice of work, place of residence, and participation in economic and religious activities. In 2007, hundreds of farmers from the Mekong Delta region surrounded a government building in Ho Chi Minh City to demand the return of their land. In March 2008, Bui Kim Thanh, an activist who defended victims of land confiscation, was arrested and

committed to a mental hospital. Authorities reportedly harassed and arrested some members of large gatherings of Catholics in 2008 who were taking part in prayer vigils in front of disputed properties.

Economic opportunities have grown for women, but they continue to face discrimination in wages and promotion. Many are victims of domestic violence, and thousands of women each year are trafficked internally and externally and forced into prostitution. In April 2008, police arrested members of a gang responsible for smuggling 30 babies to China where they were sold between July 2007 and early 2008.

## Yemen

**Population:** 22,200,000

**Capital:** Sanaa

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,6NF	5,6NF	6,6NF	6,5NF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF

### Overview:

Violence between Zaidi Muslim rebels in the north and the Yemeni government continued through mid-2008, with the two sides agreeing to a fragile ceasefire in August. State security forces violently dispersed massive demonstrations by an increasingly confrontational separatist political movement in the south protesting government abuses. In May, Yemen held its first elections for provincial governors, though opposition groups refused to participate. Meanwhile, authorities continued to monitor and censor the press during the year by prosecuting journalists for criticizing the government, blocking access to internet websites, and banning print media.

For centuries after the advent of Islam, a series of dynastic imams controlled most of northern Yemen and parts of the south. The Ottoman Empire ruled many of the cities from the 16th to the early 20th centuries, and the British controlled areas in the southern part of the country, including the port of Aden, beginning in the 19th century.

After the imam was ousted in a 1960s civil war and the British left the south in 1967, Yemen remained divided into two countries: the Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen). The two states ultimately unified in 1990 after decades of conflict. In the face of widespread poverty and illiteracy, tribal influences that limit the central government's authority in certain parts of the country, a heavily armed citizenry, and the threat of Islamist terrorism, Yemen has taken limited steps to improve the status of political rights and civil liberties in the years since unification.

In September 2006, Yemen held its second presidential election since unification. President Ali Abdullah Saleh was reelected with 77 percent of the vote, and the ruling General People's Congress (GPC) party won by a similar margin in concurrent provincial and local council elections. The 2006 presidential race was the first in which a serious opposition candidate challenged the incumbent. Saleh's main opponent, Faisal Ben Shamlan, was supported by a coalition of Islamist and other opposition parties and received 22 percent of the vote. The elections secured Saleh's rule for another seven years and opened the door for the possible political candidacy of his son.

In May 2008, Yemen held its first ever elections for 20 provincial governors, posts previously appointed by the government. Opposition groups refused to participate, claiming government manipulation. Progovernment candidates were elected in 17 of the 20 districts that participated, and independents were elected in the remaining 3. One province did not hold elections as a result of protests held by unemployed Yemenis. Meanwhile, tensions between the government and the opposition escalated late in the year. At the end of 2008, the opposition group the Joint Meeting Parties—a coalition that includes the Yemeni Socialist Party and Islah, an Islamist party—threatened to boycott elections for the country's parliament scheduled for April 2009.

Over the past decade, Yemen has faced security challenges from terrorist and secessionist movements. Clashes in the northern region of Saada as part of an uprising by some members of Yemen's large community of Zaidi Shiite Muslims continued through mid-2008; hundreds have been killed in the fighting since 2004. In August 2008, Abdelmalek al-Houthi, the leader of the rebellion, accepted a ceasefire proposal to end the conflict. In exchange, the government has promised to open blocked roads into the region, release loyalists to al-Houthi, and attempt to repair damage caused since the start of the conflict. The ceasefire in Saada, however, did not spell an end to violent conflict, and according to a 2008 Human Rights Watch report, the government has failed to live up to the ceasefire agreement. In September, six suspected al-Qaeda terrorists carried out coordinated car bomb attacks on the U.S. embassy in Sanaa in which sixteen people, including all six militants, were killed.

The country continues to be plagued by serious economic problems, including widespread poverty. Economic growth has been slow, and unemployment hovers around 40 percent. Meanwhile, in October 2008, flooding from heavy rains killed over 60 people.

**Political Rights and Civil Liberties:** Yemen is not an electoral democracy. The country appears to have a relatively open democratic system, with citizens voting for president, members of parliament, and provincial governors. However, Yemen's politics are dominated by the ruling GPC party, which has increased its share of elected parliament seats from 145 in 1993 to 237 in the current parliament. The government structure suffers from the absence of any significant limits on the executive's authority, and President Ali Abdullah Saleh has been serving continuously since 1978, when he became president of North Yemen in a military coup.

The president of Yemen is elected for seven-year terms, and appoints the 111

members of the bicameral parliament's largely advisory upper house, the Majlis al-Shura (Consultative Council). The 301 members of the lower house, the House of Representatives, are elected to serve six-year terms. The next parliamentary elections are scheduled for 2009. Local council members are also elected. There is limited competition among the ruling GPC party, two main opposition parties (the Islamist party Islah and the Yemeni Socialist Party), and a handful of other parties.

Corruption is an endemic problem. Despite recent efforts by the government to fight graft, Yemen lacks most legal safeguards against conflicts of interest. Auditing and investigative bodies are not sufficiently independent of the executive authorities. Yemen was ranked 141 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

The state maintains a monopoly over the media that reach the most people—television and radio. Article 103 of the Press and Publications Law outlaws direct personal criticism of the head of state and publication of material that "might spread a spirit of dissent and division among the people" or "leads to the spread of ideas contrary to the principles of the Yemeni Revolution, [is] prejudicial to national unity or [distorts] the image of the Yemeni, Arab, or Islamic heritage." Access to the internet is not widespread, and the authorities block websites they deem offensive. In January 2008, Yemeni authorities blocked the news website Yemen Portal. In March, authorities permanently closed the newspaper *al-Sabah* for being critical of the government. The government also temporarily banned a new monthly magazine, *Abwab*, in March, although it lifted the ban after the magazine removed a photograph deemed offensive to the country's president. A state security court in June sentenced Abdulkarim al-Khalwani, the former editor of the banned weekly newspaper *al-Shura*, to six years in prison for collaborating with Zaidi rebels in the north and for "publishing information liable to undermine army morale;" Al-Khalwani was released from prison as a result of a presidential order in September.

Article 2 of the constitution states that Islam is the official religion, and Article 3 declares Sharia (Islamic law) to be the source of all legislation. Yemen has few non-Muslim religious minorities, and their rights are generally respected in practice. The government has imposed some restrictions on religious activity in the context of the rebellion in the northern region of Saada. Mosques' hours of operation have been limited in the area, and imams suspected of extremism have been removed. Strong politicization of campus life, including tensions between supporters of the ruling GPC and opposition Islah parties, places limits on academic freedom.

Yemenis enjoy some freedom of assembly, with periodic restrictions by the government. The authorities were accused of using excessive force against protesters and rioters demonstrating against fuel-price increases in 2005; more than 40 people were killed and hundreds were injured in the violence. However, opposition political rallies were permitted across the country during the 2006 election season. Throughout 2008, Yemenis in the southern part of the country staged protests challenging what they consider to be the GPC's abuse of power and the government's inability to address pressing social and economic concerns. Hundreds of thousands of protesters assembled throughout the year, many advocating secession from the country. The authorities responded with violence, killing several protesters and arresting hundreds of others.

Yemenis have the right to form associations according to Article 58 of the con-

stitution, and several thousand nongovernmental organizations operate in the country. The government respects the right to form and join trade unions, but some critics claim that the government and ruling party elements have stepped up efforts to control the affairs of these organizations.

The judiciary is nominally independent, but in practice it is susceptible to interference from the executive branch. Authorities have a spotty record on enforcing judicial rulings, particularly those issued against prominent tribal or political leaders. Lacking an effective court system, citizens often resort to tribal forms of justice or direct appeals to the executive branch of government. In 2006, Yemen restructured its judicial system to remove the president as head of the Supreme Judicial Council (SJC), which oversees the judiciary; it would instead be led by the chief justice of the Supreme Court. In September 2006, a female judge was appointed to the Supreme Court, and another woman was appointed as the head of the civil court of appeals for Aden governorate.

Arbitrary detention occurs, partly because law enforcement officers lack proper training and senior government officials lack the political will to eliminate the problem. Security forces affiliated with the Political Security Office (PSO) and the Ministry of the Interior torture and abuse detainees, and torture remains a problem in PSO prisons, which are not closely monitored.

Yemen is relatively homogeneous ethnically and racially. The Akhdam, a small minority group, live in poverty and face social discrimination.

Thousands of refugees seeking relief from war and poverty in the Horn of Africa are smuggled into Yemen annually. Refugees, who pay smugglers between US\$50 and US\$100, are routinely subjected to theft, abuse, and even murder.

Women are afforded most legal protections against discrimination and provided with guarantees of equality. In practice, however, they continue to face pervasive discrimination in several aspects of life. A woman must obtain permission from her husband or father to receive a passport and travel abroad. Unlike men, women do not have the right to confer citizenship on a foreign-born spouse, and the process of obtaining citizenship for a child of a Yemeni mother and a foreign-born father is more difficult than that for a child born to a Yemeni father and a foreign-born mother. Yemen's penal code allows lenient sentences for those convicted of "honor crimes"—assaults or killings of women for alleged immoral behavior. Laws requiring that a wife obey her husband were abolished by presidential decree in 2004. In April 2008, the Yemeni parliament voted down legislation that would have banned female genital mutilation. Women are vastly underrepresented in elected office. According to the UN Development Programme in 2005, Yemen has one of the largest gaps in the world between boys' and girls' primary-school attendance rates.

## Zambia

**Population:** 12,200,000

**Capital:** Lusaka

**Political Rights:** 3

**Civil Liberties:** 3\*

**Status:** Partly Free



**Ratings Change:** Zambia's civil liberties rating improved from 4 to 3 due to continuing improvements in judicial independence, including increased assertiveness by the courts vis-a-vis the government and the government's appointment of highly qualified individuals to judicial posts.

### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,4PF	5,4PF	5,4PF	4,4PF	4,4PF	4,4PF	4,4PF	3,4PF	3,4PF	3,3PF

### Overview.

President Levy Mwanawasa died in August 2008, raising concerns that political instability might undermine Zambia's economic and governance accomplishments of the last few years. While calm initially ensued under the leadership of Vice President Rupiah Banda, opposition and civil society groups raised concerns about electoral rigging and improprieties by the incumbency as presidential by-elections approached. Government harassment of the media increased considerably in the period surrounding the election. Rupiah Banda was elected president in October with 40 percent of the vote, but the outcome was being challenged in court at year's end. Nevertheless, judicial independence improved during the year, illustrated by greater assertiveness by the courts vis-<sup>^</sup>-vis the government and the government's appointment of highly qualified individuals to judicial posts.

Zambia gained independence from Britain in 1964. President Kenneth Kaunda and his United National Independence Party (UNIP) subsequently ruled Zambia as a de facto—and, from 1973, a de jure—one-party state. Increasing repression and corruption, coupled with dramatic economic decline, led to widespread resentment against the Kaunda regime in the late 1980s and early 1990s. In the face of domestic and international pressure, Kaunda agreed to a new constitution and multiparty democracy in 1991. In free elections that October, former labor leader Frederick Chiluba and his Movement for Multiparty Democracy (MMD) captured both the presidency and the National Assembly by wide margins. However, in the 1996 elections, the MMD-led government manipulated candidacy laws, voter registration, and media coverage in favor of the incumbents. Most egregiously, constitutional reforms prior to the elections disqualified candidates whose parents were not Zambian by birth or descent, effectively barring Kaunda from seeking reelection. Most opposition parties boycotted the polls, and the MMD renewed its parliamentary dominance.



Dissent within the MMD, as well as protests by opposition parties and civil society, forced Chiluba to abandon an effort to change the constitution and seek a third term in 2001. Instead, the MMD nominated Levy Mwanawasa, who went on to win the elections with 29 percent of the vote. The MMD also captured a plurality of elected parliament seats. Domestic and international election monitors cited vote rigging and other serious irregularities, and three opposition candidates petitioned the Supreme Court to overturn Mwanawasa's victory. The Supreme Court upheld his election in February 2005. In the September 2006 election, Mwanawasa won a second term with 43 percent of the vote. Of the 150 parliamentary seats that were contested, the MMD won 72, the Patriotic Front (PF) took 44, and the United Democratic Alliance captured 27. The remaining seats, were split between smaller parties and independents, or were undetermined because of legal disputes over the results. The polls were deemed the freest and fairest in 15 years.

Levy Mwanawasa suffered from a stroke in July 2008 and died in August, less than two years into his second term. His death came at a time when Zambia was increasingly heralded as an emerging success story with respect to economic development and improved governance. With respect to the latter, Mwanawasa and opposition leader Michael Sata publicly declared an end to their longtime feuding in April 2008, which had been a source of tension. Contentious public conflict with key civil society groups, which had struggled with Mwanawasa over the process and pace of constitutional reform, also dissipated. Although civil society activists had pushed for the formation of a constituent assembly to reform the constitution, parliament in August 2007 created a 500-member constitutional conference that would propose reforms but leave the final decision to the legislature. Elements of civil society and the opposition declared their intention to boycott the conference, arguing that its composition and legal mandates strongly favored the president and the ruling party. However, when the conference undertook its work in 2008, public outcry was quite limited.

There was relative calm in the period prior to and immediately following Mwanawasa's death in August, as Vice President Rupiah Banda established himself in a caretaker role and the MMD national executive committee chose Banda as its candidate for the presidential by-elections. However, this calm dissipated considerably as the October election date approached and other contenders, including Michael Sata of the PF and Hakainde Hichelema of the United Party for National Development (UPND), positioned themselves for the contest. Opposition and civil society groups raised concerns about preelection improprieties and the prospects of electoral rigging, while government and ruling party activists intimidated journalists from the public and private media. Banda was elected president with 40 percent of the vote, against Sata's 38 percent and Hichelema's 20 percent. Sata claimed that the elections were fraudulent and filed a legal challenge calling for a recount.

Deft economic management and anticorruption efforts initiated under Mwanawasa have kept Zambia on good terms with Western donors. Economic progress has been evident in the appreciation of the kwacha currency, lower inflation, and some degree of poverty reduction. The growth rate for 2008 was estimated to be just below 6 percent. Zambia obtained considerable debt relief in 2005 and 2007, and China also agreed to a substantial investment package for Zambia in 2007. The IMF has applauded Zambia's economic progress and, pledged \$79 million dollars to support poverty alleviation and economic growth in 2008.

## Political Rights and Civil Liberties:

Zambia is an electoral democracy. Although the 1996 and 2001 elections featured substantial flaws, parliament passed a government-backed electoral reform law in April 2006 that improved the elections framework, and the 2006 elections represented a step forward in the ability of citizens to democratically change their government. In the lead-up to the 2008 presidential election, both opposition parties and civil society groups raised concerns about fraud, including the printing of additional ballot papers and the incumbent government's use of state resources for campaigning. Although local and international observers declared the elections to be free and fair, opposition candidate Michael Sata did not accept the results. The president and the unicameral National Assembly are elected to serve concurrent five-year terms. The National Assembly includes 150 elected members, as well as 8 members appointed by the president.

The opposition has been able to operate, although under some duress. PF leader Sata has been arrested and charged with various offenses, including sedition, since 2001. After the 2006 elections, he was arrested on charges that were subsequently dismissed by the courts. The government also ordered police to deny his party permits to hold rallies. While violent clashes took place between supporters of the PF and the MMD in the lead-up to the 2008 presidential polls, there were no reports of manifest harassment of the PF by the government. Both the PF and other opposition parties suffer from internal divisions.

The effort to fight corruption was one of the primary themes of Levy Mwanawasa's public rhetoric. In his first term as president, he earned praise for banning senior officials from bidding on public contracts. Several government officials were removed during his time in office amid allegations of corruption, including his own vice president. Corruption charges were brought against the minister of lands and head of the Drug Enforcement Commission in 2007, and the minister of Southern Province in 2008; one was acquitted in 2008, while trials for others were ongoing during the year. At the same time, Mwanawasa appears to have tolerated some corruption in his inner circle. Although Banda has pledged to continue the policies of his predecessor, many raised concerns about corruption in the lead-up to the 2008 polls, including Banda's alleged payment of money to a small opposition party in exchange for their support.

Although progress has been slow and uneven, some successes have been registered in efforts to prosecute members of the former administration of Frederick Chiluba. In 2007, Chiluba was convicted in a British court of conspiring to steal \$46 million in public funds. Also in that year, Mwanawasa renewed the mandate of the task force on corruption, an institution created to deal with crimes committed under Chiluba. In 2008, the task force questioned Chiluba on his involvement in a suspicious maize deal in the 1990s. Zambia was ranked 115 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedom of speech is constitutionally guaranteed, but the government often restricts this right in practice. The government controls two widely circulated newspapers, and owing to prepublication review, journalists commonly practice self-censorship. The state-owned, progovernment Zambia National Broadcasting Corporation (ZNBC) dominates the broadcast media. The government has the authority to appoint the management boards of ZNBC and the Independent Broadcasting Au-

thority, which regulates the industry and grants licenses to prospective broadcasters. The government has also delayed passage of a bill designed to give the public and journalists free access to official information. The independent media continue to play a significant role, although journalists have been arrested, detained, and harassed by government and MMD supporters in previous years. The Public Order Act (POA) and other statutes have at times been used to harass journalists and Ministry of Information officials have threatened to revoke licenses of stations deemed mouthpieces of the opposition. Other tools of harassment have included criminal libel and defamation suits brought by MMD leaders in response to stories on corruption.

In 2008, media freedom deteriorated considerably in the period surrounding the presidential election. Prior to the poll, Banda obtained a court order forbidding the leading independent newspaper, *The Post*, from running defamatory articles against him. The minister of information then claimed he would "sort out" the newspaper after the elections. Reporters with *The Post* were later threatened and mistreated by MMD cadres while covering campaign events. Independent radio also became a target of government harassment. Before the polls, Ministry of Information officials directed private stations to screen calls for popular call-in programs to discuss the elections. Another reporter from the independent station Radio Phoenix was harassed by police in late October. After the elections, police arrested the manager of a Catholic-owned radio station in conjunction with a call-in program that was accused of inciting unrest; the charges against him were subsequently dropped.

Constitutionally protected religious freedom is respected in practice. The government does not restrict academic freedom.

Under the POA, police must receive a week's notice before all demonstrations. While the law does not require permits, the police have frequently broken up "illegal" protests because the organizers lacked permits. Nongovernmental organizations (NGOs) operate freely, but they are required to register with the government. Government relations with NGOs have been contentious in recent years, as prominent civic groups challenged the government on constitutional reform. A highly regressive NGO bill, which would have increased government controls over NGOs, was introduced in July 2007 but was withdrawn after a considerable outcry.

Zambia's trade unions are among Africa's strongest, and union rights are constitutionally guaranteed. The Zambia Congress of Trade Unions operates democratically without state interference. About two-thirds of the country's 300,000 formal-sector employees are union members. While collective bargaining rights are protected by statute, labor laws also require labor organizations to have at least 100 members to be registered, a potentially burdensome rule. While unions remain engaged in public affairs, they have become weaker both financially and organizationally in recent years.

Judicial independence is guaranteed by law. While courts do act independently and have ruled against the government, they are undermined by capacity problems, corruption, and political influences. A lack of qualified personnel, in part because of poor working conditions, contributes to significant trial delays, and pretrial detainees are sometimes held for years under harsh conditions. Although the government announced plans in 2007 to provide free legal services to the poor, many accused lack access to legal aid owing to limited resources. In rural areas, customary courts

of variable quality and consistency, whose decisions often conflict with the constitution and national law, decide many civil matters. Nevertheless, judicial independence improved in 2008, illustrated by an increased assertiveness by the courts vis-a-vis the government and the government's appointment of very qualified individuals to judicial positions, including the highly regarded Irene Mambilima to the post of deputy chief justice.

Allegations of police corruption, brutality, and even torture are widespread, but security forces have generally operated with impunity. Prison conditions are very harsh; severe overcrowding, poor nutrition, and limited access to health care have led to many inmate deaths. In 2007, the government began efforts to reduce crowding, in part by pardoning over 800 convicts; more than 100 prisoners were pardoned in 2008.

Societal discrimination remains a serious obstacle to women's rights. Domestic violence and rape are major problems, and traditional norms inhibit many women from reporting assaults. Women are denied full economic participation and usually require male consent to obtain credit. Discrimination against women is especially prevalent in customary courts, where they are considered subordinate with respect to property, inheritance, and marriage. In September 2005, an amended penal code banned the traditional practice of "sexual cleansing," in which a widow is obliged to have sex with relatives of her deceased husband.

## Zimbabwe

**Population:** 13,500,000

**Capital:** Harare

**Political Rights:** 7

**Civil Liberties:** 6

**status:** Not Free



**Trend Arrow:** Zimbabwe received a downward trend arrow due to the heavy involvement of security forces and government-aligned militias in a campaign of political violence, as well as the government's crackdown on independent Anglican churches.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5PF	6,5PF	6,6NF	6,6NF	6,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF

### Overview:

Parliamentary and presidential elections were held in March 2008 amid a state-directed campaign of violence and intimidation that targeted members and supporters of the opposition Movement for Democratic Change (MDC). Nevertheless, the MDC denied President Robert Mugabe's Zimbabwe African National Union-Patriotic Front (ZANU-PF) party a majority in Parliament for the first time, and MDC presidential

**candidate Morgan Tsvangirai outpolled Mugabe. Violence intensified ahead of a presidential runoff in late June, leading to Tsvangirai's withdrawal and an uncontested victory for Mugabe. By August, ZANU-PF militias and security forces had killed at least 170 people, beaten or raped thousands of others, and detained hundreds in areas of suspected MDC support. Members of independent civic and religious organizations, journalists, and trade unionists were also swept up in the crackdown. South African-brokered negotiations eventually resulted in a power-sharing agreement in September. However, disputes over the allocation of cabinet seats—as well as the abduction of scores of MDC officials and activists—prevented the formation of a national-unity government by year's end. Zimbabwe's economic collapse continued in 2008, with hyperinflation reaching an astounding 13 billion percent, while a cholera outbreak late in the year resulted in nearly 1,600 deaths.**

In 1965, a white-minority regime in what was then colonial Southern Rhodesia unilaterally declared independence from Britain. A guerrilla war led by black nationalist groups, as well as sanctions and diplomatic pressure from Britain and the United States, contributed to the end of white-minority rule in 1979 and the recognition of an independent Zimbabwe in 1980. Robert Mugabe and the Zimbabwe African National Union-Patriotic Front (ZANU-PF), first brought to power in relatively democratic elections, have since ruled the country.

Zimbabwe was relatively stable in its first years of independence, but from 1983 to 1987, the Shona-dominated government violently suppressed opposition among the Ndebele ethnic minority in the western portion of the country, and between 10,000 and 20,000 civilians were killed by government forces. Widespread political unrest in the 1990s, spurred by increasing authoritarianism and economic decline, led to the creation in 1999 of the opposition Movement for Democratic Change (MDC), an alliance of trade unions and other civil society groups. However, Mugabe and ZANU-PF claimed victory over the MDC in parliamentary elections in 2002 and 2005, as well as in a 2002 presidential poll. All three elections were seriously marred by political violence aimed at MDC supporters, fraudulent electoral processes, and the abuse of state resources, including state-run media. Security forces crushed mass protests and strikes called by MDC leader Morgan Tsvangirai in 2003.

The 2005 parliamentary elections gave the ruling party a two-thirds majority and the ability to amend the constitution. It subsequently enacted amendments that nationalized all land, brought all schools under state control, and empowered the government to seize the travel documents of people deemed a threat to national interests. The changes also reintroduced an upper legislative house, the Senate. In November 2005 elections for the chamber, ZANU-PF secured 59 out of 66 seats; the MDC, deeply split over whether to participate, fielded just 26 candidates and won 7 seats. Voter turnout was less than 20 percent.

Also in 2005, the government implemented a politically tinged slum-clearance effort known as Operation Murambatsvina (OM), which means "drive out the trash" in the Shona language. It resulted in the destruction of thousands of informal businesses and dwellings as well as thousands of arrests. According to the United Nations, approximately 700,000 people were made homeless, and another 2.4 million were directly or indirectly affected. Initially moved into transit camps near cities, many displaced residents were forced to return to the rural areas designated on their

national identity cards. Analysts maintain that OM, billed as part of a law-and-order campaign, actually targeted urban areas that were considered MDC strongholds and sources of antigovernment agitation. In 2007, Amnesty International reported that "almost none of the victims of Operation Murambatsvina have benefited from [home] rebuilding, with only 3,325 houses constructed—compared to the 92,460 homes destroyed."

A 2007 agreement between ZANU-PF and MDC yielded a 2008 constitutional amendment designed to harmonize and ostensibly improve conditions—including greater freedom of assembly—for presidential and parliamentary elections in March. However, in late January, police violently dispersed an MDC protest in Harare and detained Tsvangirai despite a court ruling declaring the protest legal under the new amendment. The MDC was protesting over unfair preelection conditions; the opposition and independent monitors like the Zimbabwe Election Support Network accused the government of using farm and food aid to bribe and intimidate voters, printing surplus ballot papers that were not subsequently accounted for, and placing tens of thousands of "ghost voters" on the rolls. They also objected to plans to allow police inside polling stations and to centralize the presidential vote count. The heads of various security forces instructed their men to vote for Mugabe and ZANU-PF, while the chief of police stated that he would not allow the opposition to take over.

Violence before the March 28 elections, though serious, was less severe than expected. In the parliamentary poll, the Tsvangirai-led MDC won 99 seats, followed by ZANU-PF with 97 seats, and a breakaway faction of the MDC, led by Arthur Mutambara, with 10. The results denied ZANU-PF a legislative majority for the first time in the country's 28-year history. The MDC majority survived recounts in 105 constituencies (93 requested by ZANU-PF and 92 by the MDC). However, the Zimbabwe Election Commission (ZEC) refused to release the results of the presidential contest between Mugabe, Tsvangirai, and former ZANU-PF finance minister Simba Makoni until May, when it announced that Tsvangirai had outpolled Mugabe, 47.9 percent to 43.2 percent, requiring a runoff between the two. The MDC accused the ZEC of fraud and claimed that Tsvangirai had won the election outright with over 50.3 percent of the vote.

Following the March balloting, ZANU-PF militias and state security forces began a brutal campaign—known as Operation Makavhoterapapi, or "Where did you put your cross"—aimed at punishing and intimidating MDC members and their suspected supporters. In April, police repeatedly raided MDC offices, arresting at least 250 refuge seekers and sending leaders into hiding. Also that month, state-armed militias reportedly burned hundreds of homes, set up informal detention camps where suspected MDC supporters were tortured, and assaulted MDC activists. By the time the presidential results were released, the MDC was claiming that at least 15 of its activists had been killed and hundreds severely beaten in these attacks.

The violence escalated in May and June, ahead of the runoff between Mugabe and Tsvangirai. ZANU-PF militias continued to threaten, attack, rob, and kill opposition supporters, including scores of teachers in rural areas, while security forces extended their crackdown to civil society groups and journalists. Several trade unionists, human rights lawyers, and journalists were arrested, as were more than 100 election officials; police also raided church-affiliated organizations in Harare. In June, the government banned nongovernmental organizations (NGOs)—including aid

agencies—from conducting fieldwork; also that month, Tsvangirai was arrested for the eighth time in three months, along with MDC spokesman Tenda Biti, who was accused of treason and detained for two weeks. The wife of Harare's MDC mayor was murdered, their home was burned down, and many MDC activists sought refuge in neighboring countries. Hundreds of ZANU-PF supporters—many armed with knives, clubs, and rocks—attempted to prevent a large MDC rally in Harare; previous rallies had been banned. A few days before the June 27 election, Tsvangirai withdrew and took refuge in the Dutch embassy, claiming that postelection violence had killed over 85 MDC supporters and displaced 200,000. ZANU-PF and security officials accused the MDC of instigating the violence and exaggerating its scope. Running unopposed, Mugabe won 85 percent of the vote amid low turnout and many spoiled ballots.

In late July, the MDC reported persistent attacks on presumed MDC supporters, 27 deaths since the election, 1,500 officials in prison or police custody, and 18 MDC lawmakers facing criminal charges, many of whom were in hiding. In addition, there were some reports of reprisal attacks by MDC supporters on militiamen and ZANU-PF supporters.

Meanwhile, then South African president Thabo Mbeki mediated intermittent power-sharing talks between ZANU-PF and the MDC that eventually yielded an agreement in mid-September. The deal allowed Mugabe to remain president and created the post of prime minister for Tsvangirai. According to the agreement, fourteen ministries (including defense, justice, and media) were to be assigned to ZANU-PF, 13 to the main MDC faction (including finance and constitutional and parliamentary affairs), and 3 to Mutambara's faction. The head of the Home Affairs Ministry, which controls the police, was not specified, and in subsequent negotiations, the Tsvangirai-led MDC accused Mugabe and ZANU-Pf of violating the September agreement by attempting to keep all strategically important ministries within its fold. Citing alleged MDC intransigence, Mugabe threatened repeatedly to form a government without the MDC. The viability of the power-sharing agreement was also threatened by the abduction and detention—beginning in October—of at least 18 MDC activists and officials by state security forces; 16 detainees remained in jail at year's end. In November, South Africa-brokered talks yielded an agreement on constitutional changes to create the position of prime minister. Nevertheless, a national-unity government had not been formed by the end of 2008.

The government's seizure of most white-owned farmland, which began in 2000, has accelerated the collapse of Zimbabwe's economy. Much of the land went to Mugabe loyalists who lacked farming experience. The country's gross domestic product has fallen by about 45 percent since the confiscations began, and the economy has been plagued by the highest levels of hyperinflation ever recorded: by year's end, the rate reached an astounding 13 billion percent. Recent government attempts at currency devaluation and price controls have generally been enforced by security forces and ZANU-PF militias and have led to thousands of arrests of businesspeople for noncompliance. Zimbabwe's economic crisis has driven the migration of as many as three million residents in recent years. Unemployment in 2008 was estimated at 80 percent.

The economic breakdown has also resulted in severe shortages of basic goods, including food. In November 2008, the World Food Programme estimated that 5.1

million Zimbabweans—or 45 percent of the population—would require food aid in 2009. The June 2008 ban on field work by NGOs included aid organizations, allowing the government to use state aid as a political tool ahead of the presidential runoff election. Basic utilities such as electricity and water deteriorated during the year. Health services are strained by lack of funding, the emigration of medical workers, and a high HIV prevalence rate; about 20 percent of Zimbabweans are infected with the virus. In late 2008, an outbreak of cholera near Harare spread rapidly throughout the country, exacerbated by the closure or dysfunction of many of the country's health facilities and by state inaction. By year's end, the outbreak had caused some 1,600 deaths and over 30,000 infections.

**Political Rights and Civil Liberties:** Zimbabwe is not an electoral democracy. President Robert Mugabe and the ruling ZANU-PF party have dominated the political landscape since independence in 1980, overseeing 18 amendments to the constitution that have expanded presidential power and decreased executive accountability. Presidential and legislative elections in March 2008 were marred by a wide-ranging and brutal campaign of violence and intimidation, flawed voter registration and balloting, biased media coverage, and the use of state resources—including food aid—to bribe and threaten voters. The government failed to implement changes to electoral, security, and press laws that were agreed to in a 2007 constitutional amendment. The period leading up to the presidential runoff in June 2008 featured accelerated violence against oppositionists, prompting a UN Security Council resolution declaring the impossibility of a fair poll. The election, in which Mugabe ultimately ran unopposed, was declared illegitimate by observers from the African Union (AU) and the Southern African Development Community (SADC).

Since the reconstitution of the Senate in 2005, Zimbabwe has had a bicameral legislature. A 2007 constitutional amendment removed appointed seats from the House of Assembly, increased the number of seats of both legislative houses (to 210 seats in the House of Assembly and 93 seats in the Senate), and redrew constituency boundaries. Parliamentary elections are held every five years; in 2008, despite political violence and vote rigging, the two factions of the opposition MDC won 109 seats in the House of Assembly, edging out ZANU-PF's 97. Appointed seats allowed ZANU-PF to maintain its majority in the Senate; the election saw both ZANU-PF and MDC factions (combined) claim 30 seats. All elected officials serve five-year terms. In November 2008, ZANU-PF and MDC negotiators agreed to yet another (19th) constitutional amendment re-creating the post of prime minister, along with two deputy prime ministers.

Corruption is rampant throughout the country, including at the highest levels of government. The collapse in public-service delivery and the politicization of food and agricultural aid has made the problem ubiquitous at the local level. Anticorruption prosecutions are almost exclusively motivated by political vendettas. Extensive graft and nepotism have contributed to the stark decline in public and investor confidence in the national economy. Zimbabwe was ranked 166 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Freedoms of expression and of the press are severely restricted. The country's draconian legal framework includes the Access to Information and Protection of



Privacy Act (AIPPA), the Official Secrets Act, the Public Order and Security Act (POSA), and the Criminal Law (Codification and Reform) Act. In general, these laws restrict who may work as a journalist, require journalists to register with the state, severely limit what journalists may publish, and mandate harsh penalties—including long prison sentences—for violators. Despite government commitments to liberalize these laws ahead of the 2008 elections, only minimal changes were made. Journalists are routinely subjected to verbal intimidation, physical attacks, arrest and detention, and financial pressure by the police and supporters of the ruling party. In 2008, scores of local and foreign journalists were beaten or detained both before and after the elections. Foreign journalists are rarely granted visas, and local correspondents for foreign publications have been refused accreditation or threatened with lawsuits and deportation.

The government dominates the print and broadcast media, which are generally seen as mouthpieces of the regime. The *Daily News*, the country's only independent daily, was shuttered in 2003 for not adhering to the AIPPA. In June 2008, the state-controlled Zimbabwe Broadcasting Corporation (ZBC) refused to air campaign advertisements from the MDC. The cost of satellite services that provide international news places them out of reach for most Zimbabweans, and in 2005, the government began jamming the shortwave radio signals of foreign-based stations that are perceived as hostile. Mugabe enacted the Interception of Communications Bill in 2007, empowering the state to monitor telephonic and electronic communication with sophisticated technology acquired from China.

While freedom of religion has generally been respected, church attendance has become increasingly politicized, with church groups such as the Solidarity Peace Trust and the Zimbabwe Christian Alliance (ZCA) at the forefront of opposition to the Mugabe government. Other church groups, such as the Zimbabwe Council of Churches, are widely perceived as progovernment. In late 2007, the dominant Anglican church split when African Anglican officials sacked Bishop Nolbert Kunonga for resisting church pressure to criticize Mugabe; Sebastian Bakare was appointed to replace him. Anglican officials and followers of Bakare have accused Kunonga supporters—including state security forces—of attacking them and barring them from places of worship. In June 2008, security forces raided and confiscated materials from the Ecumenical Center in Harare, which houses the ZCA and the Student Christian Movement of Zimbabwe, arresting 12 people.

Academic freedom is limited. All schools are under state control, and education aid is often based on parents' political loyalties. Security forces and ZANU-PF thugs harass dissident university students, who have been arrested or expelled for protesting against government policy. Following the March 2008 elections, thousands of teachers—many of whom served as polling officials—were beaten by ZANU-PF militias. According to the Progressive Teacher's Union of Zimbabwe, about 600 teachers had been hospitalized and 231 teachers' houses had been burned down by May. As a result, many rural schools were forced to close.

The nongovernmental sector is small but active. However, NGOs have faced increasing legal restrictions and extralegal harassment. The 2004 Non-Governmental Organizations Act increased scrutiny of human rights groups and explicitly prohibited them from receiving foreign funds. The 2002 POSA bans public meetings and demonstrations held without police permission; such meetings are often bro-

ken up, and participants are subject to arbitrary arrest as well as attacks by ZANU-PF militias. The POSA also allows police to impose arbitrary curfews and forbids criticism of the president. In April 2008, the police banned political rallies ahead of the presidential runoff and two days before a large MDC rally; the bans and the violence severely restricted the opposition campaign. A court overturned a similar ban in June. In October, police violently dispersed a peaceful demonstration by the Women's Coalition of Zimbabwe and the Zimbabwe National Students' Union, reportedly arresting 42 women and beating dozens more. Earlier that month, police had arrested two leaders of Women of Zimbabwe Arise (WOZA) during a march in Bulawayo and held them for three weeks. In addition to restricting political demonstrations, police cracked down on a number of health-related protests following the cholera outbreak in late 2008. In November, police prevented a Harare march of nearly 1,000 medical workers protesting resource shortages and deteriorating infrastructure in the health sector, sealing off the exits of the country's primary referral hospital. Police forcibly dispersed a similar, though smaller, protest in December.

The Labor Relations Act allows the government to veto collective-bargaining agreements that it deems harmful to the economy. Strikes are allowed except in "essential" industries. Because the Zimbabwean Congress of Trade Unions (ZCTU) has led resistance to Mugabe's rule, it has become a particular target for repression. Trade unionists were attacked and detained throughout 2008.

While some courts have struck down or disputed government actions, increasing pressure by the regime has substantially eroded judicial independence. The accused are often denied access to counsel and a fair, timely trial. The government has repeatedly refused to enforce court orders and has replaced senior judges or pressured them to resign by stating that it could not guarantee their security; judges have been subject to extensive physical harassment. The vacancy of nearly 60 magistrate posts has caused a backlog of some 60,000 cases.

In general, security forces are accountable to the government but abuse citizens with impunity. They often ignore basic rights regarding detention, searches, and seizures. The government has taken no clear action to halt the rising incidence of torture and mistreatment of suspects in custody. ZANU-PF militias operate as de facto enforcers of government policies and have committed assault, torture, rape, extralegal evictions, and extralegal executions without fear of punishment; the incidence of these abuses increased significantly in 2008. Security forces have taken on major roles in crop collection, food distribution, and enforcement of monetary policy, and both the police and the military are heavily politicized. In June 2008, the British Broadcasting Corporation (BBC) reported that the military—particularly the Joint Operations Command—was actively involved in Mugabe's presidential campaign, arming militias for attacks on oppositionists and ordering security personnel to vote for Mugabe. That month, MDC leader Morgan Tsvangirai claimed that Zimbabwe was being governed by a military junta.

Pretrial detention is a major problem, with some inmates held for over 10 years without trial. Scores of MDC officials and activists were abducted, charged with treason, and detained without due process throughout 2008; 16 remained in custody by year's end. Prison conditions are harsh and life-threatening. Severe overcrowding and a major shortage of funds have contributed to a rise in HIV/AIDS and tuberculosis infections among inmates and the deterioration of already poor sanita-

tion facilities. Deaths in prisons are often caused by disease or beatings by guards, and many prisoners rely on family members for food. Women and juveniles are housed separately from men, and pretrial detainees are generally held in separate, common cells.

The minority Ndebele ethnic group continues to suffer political and economic discrimination, and Ndebele areas are often targeted by security forces as opposition strongholds. Restrictive citizenship laws discriminate against Zimbabweans with origins in neighboring African countries.

The state has extensive control over travel and residence. The government has seized the passports of government critics, and foreign critics are routinely expelled or denied entry. In 2008, the authorities confiscated the passports of several MDC officials, including Tsvangirai after his return to Zimbabwe in May.

Property rights are not respected. Operation Murambatsvina featured the eviction of hundreds of thousands of city dwellers and the destruction of thousands of residential and commercial structures, many of which had been approved by the government. Fewer than 400 white-owned farms remain out of the 4,500 that existed when land invasions started in 2000, and any avenues of legal recourse for expelled farmers have been closed. A 2007 law requires that 51 percent of shares in all—including foreign—companies operating in Zimbabwe be owned by black Zimbabweans. In December 2008, the government dismissed an earlier SADC court ruling declaring the land seizures of 70 white farmer applicants as discriminatory and against SADC statute.

Women enjoy extensive legal protections, but *de facto* societal discrimination and domestic violence persist. Women serve as ministers in national and local governments and hold seats in Parliament. The World Health Organization has reported that Zimbabwean women's "healthy life expectancy" of 34 years is the world's shortest. Sexual abuse is widespread, including the use of rape as a political weapon. A recent upsurge in gender-based violence spurred renewed calls for the enactment of the Prevention of Domestic Violence Bill, which has lingered in Parliament for eight years. Women oppositionists often face particular brutality by security forces. The prevalence of customary laws in rural areas undermines women's civil rights and access to education. Homosexuality, decried as un-African by Mugabe, is illegal.

## Armenia/Azerbaijan\* Nagorno-Karabakh

**Population:** 145,000

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



\* The designation of two countries is intended to reflect the international consensus on the status of Nagorno-Karabakh, as well as the de facto authority over the territory.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,6NF	5,6NF	5,6NF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF

### Overview:

Clashes along Nagorno-Karabakh's ceasefire line in March 2008 left 16 people dead, marking one of the worst violations of the ceasefire in years. Also in March, the UN General Assembly passed a resolution calling on Armenia to withdraw its troops from Nagorno-Karabakh, stirring increasingly heated rhetoric from Yerevan and Baku. Kosovo's declaration of independence in February and Russia's recognition of South Ossetia and Abkhazia in August exacerbated the tensions.

Nagorno-Karabakh, populated largely by ethnic Armenians, was established as an autonomous region inside Soviet Azerbaijan in 1923. In February 1988, the regional legislature adopted a resolution calling for union with Armenia. The announcement led to warfare over the next several years between Armenian, Azerbaijani, and local Nagorno-Karabakh forces.

At its inaugural session in January 1992, Nagorno-Karabakh's new legislature adopted a declaration of independence, which was not recognized by the international community. By the time a Russian-brokered ceasefire was signed in May 1994, Karabakh Armenians, assisted by Armenia, had captured essentially the entire territory, as well as seven adjacent Azerbaijani districts. Virtually all ethnic Azeris had fled or been forced out of the enclave and its surrounding areas, and the fighting had resulted in thousands of deaths and an estimated one million refugees and internally displaced persons (IDPs).

In December 1994, the head of Nagorno-Karabakh's state defense committee, Robert Kocharian, was selected by the territory's National Assembly for the newly established post of president. Parliamentary elections were held in 1995, and Kocharian defeated two other candidates in a popular vote for president the following year.

In September 1997, Foreign Minister Arkady Ghukassian was elected to replace Kocharian, who had been named prime minister of Armenia in March of that year. Kocharian was elected Armenia's president in 1998. In the territory's June 2000 par-

liamentary vote, the ruling Democratic Artsakh Union (ZhAM), which supported Ghukassian, won a slim victory, taking 13 seats.

Ghukassian won a second term as president in August 2002 with 89 percent of the vote. While a number of domestic and international nongovernmental organizations (NGOs) concluded that the elections marked a further step in Nagorno-Karabakh's democratization, they did note some flaws, including limited access for the opposition to state-controlled media. Azerbaijan's Foreign Ministry described the election as a violation of international norms, insisting that a legitimate vote could be held only after a peaceful resolution to the conflict. An upsurge in shooting incidents along the ceasefire line during the summer of 2003 fueled concerns of a more widespread escalation of violence.

Nagorno-Karabakh held parliamentary elections in June 2005, with the opposition accusing the authorities of misusing state resources to influence the outcome. According to official results, Ghukassian's renamed Democratic Party of Artsakh (AZhK) received 12 of the 33 seats. Only three seats were won by parties opposed to the president.

In December 2006, a referendum on a draft constitution in Nagorno-Karabakh elicited criticism from the international community, including the Organization for Security and Cooperation in Europe (OSCE), which said it would not recognize the vote. Official reports indicated that 98 percent of those voting supported the referendum, which sought to declare the disputed territory an independent and sovereign state.

Presidential elections held in July 2007 also went unrecognized by the OSCE and other international bodies. Nagorno-Karabakh security chief Bako Saakian reportedly took more than 85 percent of the vote. His main opponent, Deputy Foreign Minister Masis Mailian, received 12 percent. All four political parties represented in the National Assembly, as well as outgoing president Ghukassian, supported Saakian's candidacy, while the territory's small NGO sector supported Mailian's bid. The government, citing the need for unity in the face of Nagorno-Karabakh's unresolved status, subsequently absorbed or co-opted most political opposition. In September 2007, Saakian appointed as prime minister Arayik Harutyunian, chairman of the Free Motherland party and one of Nagorno-Karabakh's wealthiest businessmen. The cabinet was shuffled slightly in 2008, expanding to 11 ministries, with an increased emphasis on economic rehabilitation programs.

The OSCE's Minsk Group—which had been established a decade earlier to facilitate negotiations on Nagorno-Karabakh's status—has hosted a number of meetings over the past several years with the goal of finding a peaceful solution to the conflict. Optimism in early 2008 was shattered by political turmoil and increasingly heated rhetoric from both Yerevan and Baku. Armenia's disputed presidential election results in February led to deadly opposition-led protests on the streets of Yerevan in March, and skirmishes broke out along the ceasefire line several days later, killing 16 soldiers on both sides and marking one of the worst violations of the ceasefire in years. On March 14, the UN General Assembly passed a resolution identifying Nagorno-Karabakh as part of Azerbaijan and calling on Armenia to withdraw its troops. The measure was supported by 39 member states and rejected by 7, including Russia, France, and the United States, the Minsk Group's three co-chairs.

Azerbaijan, which had been engaged in a military build-up, soon indicated that

it wanted to change the existing peace-process format, while the Armenian government passed a resolution calling on the government to pursue a "more proactive" policy on the dispute. Tensions were eased somewhat by a meeting between Azerbaijani president Ilham Aliyev and newly elected Armenian president Serzh Sargsyan on the sidelines of a Commonwealth of Independent States (CIS) summit in June. In August, Turkey made its own proposal for a new regional peace-process format. Meanwhile, Kosovo's declaration of independence from Serbia in February and Russia's recognition of South Ossetia's and Abkhazia's independence from Georgia in August raised questions about Nagorno-Karabakh's status, but the leaders of Nagorno-Karabakh, Armenia, and Russia all promised that they would not call for Nagorno-Karabakh's recognition as a result of the other moves. In a November summit meeting in Moscow, Aliyev and Sargsyan, along with Russian President Dmitri Medvedev, signed a declaration observing international law and reaffirming the non-use of force in the conflict, with the Armenian and Azerbaijani foreign ministers meeting in Helsinki in December for additional talks. While recent actions were met with optimism by the international community for a potential breakthrough in the conflict, both sides seemed skeptical of any imminent resolutions by year's end.

**Political Rights  
and Civil Liberties:**

Nagorno-Karabakh has enjoyed de facto independence from Azerbaijan since 1994 and retains close political, economic, and military ties with Armenia. Parliamentary elections in 1995 and 2000 were regarded as generally free and fair, as were the 1996 and 1997 presidential votes. Parliamentary elections, which the opposition claimed were marred by fraud and other irregularities, were held in June 2005, while presidential elections held in 2007 were criticized for the use of state resources to influence the outcome. All of these elections, however, were considered invalid by the international community, which does not recognize Nagorno-Karabakh's independence.

The president, who is directly elected for up to two five-year terms, appoints the prime minister. Of the unicameral National Assembly's 33 members, 22 are elected from single-mandate districts and 11 by party list, all for five-year terms. The main political parties in Nagorno-Karabakh are the AZhK, Free Motherland, Movement 88, and the Armenian Revolutionary Federation-Dashnaksutiun. The latter two ran as an opposition alliance in the 2005 elections, but most of the opposition groups have since been brought into the government.

Nagorno-Karabakh continues to suffer from significant corruption, particularly in the construction industry, as well as favoritism in appointing civil service positions. The territory was not listed separately in Transparency International's 2008 Corruption Perceptions Index.

The region officially remains under martial law, which imposes restrictions on civil liberties, including media censorship and the banning of public demonstrations. However, the authorities maintain that these provisions have not been enforced since 1995, a year after the ceasefire was signed.

The government controls many of the territory's broadcast media outlets, and most journalists practice self-censorship, particularly on subjects related to Azerbaijan and the peace process. The underfunded public television station Karabakh Television, which has a monopoly on electronic media, broadcasts only three hours a day.

Internet access is limited. The territory's only independent news site, Karabakh-Open.com, closed in July 2008, citing financial reasons as well as concern from the journalists involved of becoming a political opposition in a broader political environment that emphasizes unity.

Print media are more vibrant, and publications such as the biweekly *Demo*, which is funded by an international NGO, are openly critical of the government.

The registration of religious groups is required under Nagorno-Karabakh's 1997 law on religion, although the Armenian Apostolic Church, to which most residents belong, is the only registered religious organization. A number of minority groups have allegedly faced restrictions on their activities.

Freedom of assembly and association are limited, but trade unions are allowed to organize. The handful of NGOs that are active in the territory, virtually all of them progovernment, suffer from lack of funding and competition from government-organized NGOs, or GONGOs.

The judiciary, which is not independent in practice, is influenced by the executive branch as well as powerful political, economic, and criminal groups. A poll conducted in 2003 found that 48 percent of Nagorno-Karabakh residents believed court sentences were unjust, and 47 percent did not trust the police.

The majority of Azeris who fled the territory during the separatist conflict continue to live in poor conditions in IDP camps in Azerbaijan. Land mine explosions continue to cause deaths and injuries each year. According to the International Committee of the Red Cross, at least 50,000 antipersonnel mines were laid during the war, but in many cases, records of minefield locations were never created or were lost.

The continued control of major economic activity by powerful elites limits economic opportunities for most residents.

## China

### Hong Kong

**Population:** 6,900,000

**Political Rights:** 5

**Civil Liberties:** 2

**Status:** Partly Free



#### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,3PF	5,3PF	5,3PF	5,3PF	5,3PF	5,2PF	5,2PF	5,2PF	5,2PF	5,2PF

#### Overview:

Pro-Beijing candidates retained their majority in September 2008 legislative elections, though the prodemocracy camp garnered 60 percent of the popular vote. While the polls were procedurally free and fair, the restricted franchise and subtle Beijing influence meant that the results did not fully reflect the people's will. Also in 2008,

**restrictions on freedoms of expression and assembly increased during certain Olympics-related events.**

Hong Kong Island was ceded in perpetuity to Britain in 1842; adjacent territories were subsequently added, and the last section was leased to Britain in 1898 for a period of 99 years. In the 1984 Sino-British Joint Declaration, London agreed to restore the entire colony to China in 1997. In return, Beijing—under its "one country, two systems" formula—pledged to maintain the enclave's legal, political, and economic autonomy for 50 years.

Under the 1984 agreement, a constitution for the Hong Kong Special Administrative Region (SAR), known as the Basic Law, took effect in 1997. The Basic Law, which stated that universal suffrage was the "ultimate aim" for Hong Kong, allowed direct elections for 18 seats in the territory's 60-member legislature, known as the Legislative Council (Legco), with the gradual expansion of elected seats to 30 by 2003. "Functional constituencies"—business and social interest groups, many with close ties to Beijing—chose the remaining 30 seats. After China took control, it temporarily suspended the partially elected Legco and installed a provisional legislature that repealed or tightened several civil liberties laws during its 10-month tenure.

Tung Chee-hwa was chosen by a Beijing-organized election committee to lead Hong Kong in 1997. He saw his popularity wane as Beijing became increasingly involved in Hong Kong's affairs, raising fears that civic freedoms would be compromised; officials were forced to withdraw a restrictive antisubversion bill—Basic Law Article 23—after it sparked massive protests in July 2003.

Pro-Beijing parties retained control of the Legco in 2004 elections, which were marred by intimidation and threats thought to have been organized by Beijing. In 2005, with two years left to serve, the deeply unpopular Tung resigned. He was replaced by career civil servant Donald Tsang, who China's NPC decided would serve out the remainder of Tung's term and then face election. In 2007, Hong Kong held its first contested election for chief executive, after the democracy supporters on the election committee voted as a block to nominate a second candidate, Alan Leong. However, Tsang won a new term by a wide margin, garnering 82 percent of the votes within the limited and mostly pro-Beijing electoral college.

During his first three years in power, Tsang was generally perceived as governing competently despite the 2006 passage of a controversial surveillance law. In 2008, however, his popularity dropped dramatically due to a combination of economic difficulties and policy blunders that raised public concerns about growing cronyism and weakening checks and balances. In August, Tsang's approval rating reached an unprecedented low of 29 percent.

Pro-Beijing parties again won Legco elections in September 2008, taking 30 seats, although few of those were elected by popular vote. Independents, several of whom were thought to have Beijing's support, won seven seats. The prodemocracy camp won the remaining 23 seats, 19 of them by popular vote, meaning they would have enough seats to retain a veto over proposed constitutional reforms. This relative success came despite a rise in Chinese nationalist sentiment associated with the Beijing Olympics in August and a devastating mainland earthquake in May. The probusiness Liberal Party lost most of its seats in the voting, while the relatively new League of Social Democrats, which campaigned on a social justice platform,



gained seats. Observers said the results reflected growing voter concern over bread-and-butter issues during a period of economic hardship.

### **Political Rights and Civil Liberties:**

Hong Kong's Basic Law calls for the election of a chief executive and a unicameral Legislative Council (Legco). The chief executive is elected by an 800-member committee: some 200,000 "functional constituency" voters—representatives of various elite sectors, many with close ties to Beijing—elect 600 members, and the remaining 200 consist of Legco members, Hong Kong delegates to China's National People's Congress (NPC), religious representatives, and 41 members of the Chinese People's Political Consultative Conference (CPPCC), a mainland advisory body. The chief executive serves a five-year term.

The Legco consists of 30 directly elected members and 30 members chosen by the functional constituency voters. Legco members serve four-year terms. The territory's Basic Law restricts the Legco's lawmaking powers, prohibiting legislators from introducing bills that would affect Hong Kong's public spending, governmental operations, or political structure. In Hong Kong's multiparty system, the five main parties are the prodemocracy Democratic Party, Civic Party, and League of Social Democrats (LSD), alongside the pro-Beijing Democratic Alliance for the Betterment and Progress of Hong Kong, and the probusiness Liberal Party. In August, police arrested two men in a foiled assassination plot against Martin Lee, the Democratic Party's now retired founder and one of the most prominent prodemocracy politicians in Hong Kong; the motives behind the attempt remained unclear at year's end.

The September 2008 Legco elections, which garnered a lower turnout than in 2004, were procedurally free and fair, but the semidemocratic structure of the legislature meant that the prodemocracy camp remained a minority despite winning nearly 60 percent of the popular vote. Unlike in 2004, the elections were not accompanied by overt intimidation or threats. Beijing's influence was nonetheless evident, as it shifted support from the Liberal Party to nominally independent candidates, particularly via campaigning by the pro-Beijing Federation of Trade Unions. At least 108 election-related complaints, mostly over corruption allegations, were submitted to the Independent Commission Against Corruption.

In January 2008, a 1,231-member election panel selected Hong Kong's 36 delegates to the NPC; they included several serving Legco members, as well as academics and members of the business community.

While the Basic Law calls for the eventual direct election of Hong Kong's chief executive and Legco, the NPC maintains that political reform in Hong Kong cannot occur without its prior approval. In December 2007, it delayed democratic reform for the second time, ruling out universal suffrage until at least 2017 for the chief executive and 2020 for the Legco.

Hong Kong is generally regarded as having low rates of corruption, although business interests have considerable influence on the Legco. In 2008, there was a 6 percent increase in the number of individuals prosecuted for corruption. The right to access government information is protected by law and observed in practice. Hong Kong was ranked 12 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index.

Under Article 27 of the Basic Law, Hong Kong residents enjoy freedoms of

speech, press, and publication. These rights are generally respected in practice, and political debate is vigorous. The city has dozens of daily newspapers in both Chinese and English, while residents have access to international radio broadcasts and satellite television. International media organizations operate without interference. Nonetheless, in recent years, Beijing's influence over media and free expression has increased, prompting growing self-censorship, particularly on issues deemed sensitive by the central government. The Hong Kong University Public Opinion Program reported that 45.8 percent of journalists polled in 2008 believed that press freedom had deteriorated since 1997, mainly due to self-censorship. This stemmed in part from the close relationship between media owners and the central government; in a formalization of these ties, 10 owners—nearly half of the media owners in the territory, according to the Hong Kong Journalists Association—were named to the CPPCC in early 2008. There was a freeze on new film releases during the Olympics, reportedly due to pressure from the central government. In February 2008, following an international campaign on his behalf, Hong Kong journalist Ching Cheong was released early from prison in China where he had been sentenced on what many believed were trumped-up charges of spying for Taiwan.

Authorities continued to obstruct broadcasts by the prodemocracy station Citizens' Radio in 2008, after its license application was rejected in 2006; several activists faced criminal charges at year's end, and the authorities raided the station and confiscated equipment in December. In January 2008, a magistrate found that the existing licensing system was unconstitutional, as decisions to grant or refuse licenses are taken by the executive branch rather than an independent body; parts of the ruling were subsequently overturned by a higher court, but the constitutionality question remained unresolved at year's end. Controversy continued during the year over the future of the government-owned Radio Television Hong Kong (RTHK), which has functioned as an editorially independent outlet. A 2007 review panel had recommended that a new public broadcaster be established but did not comment on RTHK's future—findings that were widely interpreted as a threat to media freedom and the continued existence of RTHK. In January 2008, the government announced that a promised consultation exercise on RTHK's future had been put on hold indefinitely. Internet access in Hong Kong was not restricted.

The Basic Law provides for freedom of religion, which is generally respected in practice. Religious groups are excluded from the Societies Ordinance, which requires nongovernmental organizations (NGOs) to register with the government. Falun Gong followers remain free to practice in the territory despite facing repression on the mainland. A number of Falun Gong adherents, however, as well as a Tibetan Buddhist monk, were denied entry to the territory during periods surrounding Olympics-related events. University professors can write and lecture freely, and political debate on campuses is lively.

The 2006 Interception of Communications and Surveillance Ordinance gives the chief executive the authority to appoint a panel of judges to approve surveillance activities, including telephone wiretaps and monitoring of e-mail correspondence. The measure has raised serious civil liberties concerns among democracy activists. The Basic Law guarantees freedoms of assembly and association. Police permits for demonstrations are necessary though rarely denied. Protests on "politically sensitive" issues are held regularly. Nevertheless, in the run-up to the 2008 Olympic torch

relay, at least 10 activists who had planned to participate in events highlighting rights abuses in China were denied entry or prevented from leaving the mainland. The most high-profile case was that of a Danish sculptor who intended to participate in a prodemocracy protest, but was denied entry. During the torch relay itself, prodemocracy and pro-Tibet protesters faced intimidation and threats from Beijing supporters; in one instance, a university student staging a pro-Tibet demonstration was forcibly removed by police. Government restrictions on freedom of assembly and expression also occurred during the Olympic equestrian events held in Hong Kong in August.

Despite such incidents, Hong Kong residents enjoy many of the same basic rights as before the 1997 handover, though these are now on a weaker legal footing. While the International Covenant on Civil and Political Rights continues to be formally incorporated into Hong Kong's 1991 bill of rights, the provisional legislature that served for 10 months after the handover watered down certain provisions, including the legal basis for collective bargaining and protections against summary dismissal for union activity.

Hong Kong's trade unions are independent, and membership is not restricted to a single industry. However, the laws restrict some basic labor rights and do not protect others. Though strikes are legal in the territory and several occurred in 2008, many workers sign contracts stating that job walkouts could be grounds for summary dismissal. In October, the government pledged to establish a statutory minimum wage.

The common-law judiciary is independent, and the trial process is fair. The NPC reserves the right to make a final interpretation of the Basic Law, effectively limiting the power of Hong Kong's Court of Final Appeals. However, the NPC has not directly intervened in court cases in several years, and local courts have continued to function independently.

Hong Kong's police force, which remains firmly under the control of civilian authorities, is not known to be corrupt. Police are forbidden by law to employ torture and other forms of abuse. However, official figures indicated that police conducted over 1,600 strip searches between July and September. Arbitrary arrest and detention are illegal; suspects must be charged within 48 hours of their arrest. Prison conditions generally meet international standards.

Citizens are treated equally under the law, though Hong Kong's population of 200,000 foreign domestic workers remains vulnerable to discrimination and abuse. Since foreign workers face deportation if dismissed, many are fearful of bringing complaints against employers. A race discrimination law passed in July 2008 fell short of international standards, as it did not cover government actions and effectively excluded mainlanders, immigrants, and migrant workers.

The government does not control travel, choice of residence, or employment within Hong Kong, although documents are required to travel to the Chinese mainland, and employers have to apply to bring workers from China; direct applications from workers are not accepted. The Hong Kong SAR maintains its own immigration system. An appellate court ruling in July 2008 found that policies on the detention of nonresidents seeking to enter Hong Kong violated the bill of rights, and hundreds of detainees were subsequently released. Separately, nine Legco members and several human rights activists from Hong Kong were barred entry to Macau in

December while seeking to join prodemocracy protests there; many of them are regularly barred from the mainland as well.

Women are protected by law from discrimination and abuse and are entitled to equal access to schooling, as well as to property in divorce settlements. However, women continue to face discrimination in employment opportunities, salary, inheritance, and welfare; 11 of the 60 Legco members elected in 2008 were women. Despite robust efforts by the government, Hong Kong remains a point of transit and destination for persons trafficked for sexual exploitation or forced labor.

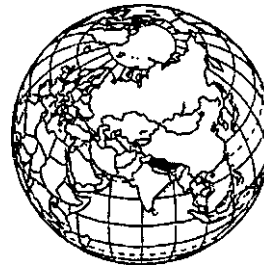
 **China**  
Tibet

**Population:** 5,300,000\*

**Political Rights:** 7

**Civil Liberties:** 7

**Status:** Not Free



**Trend Arrow:** Tibet received a downward trend arrow due to deterioration in freedom of movement caused by the increased military presence, roadblocks, and greater bureaucratic restrictions that followed antigovernment protests.

\* This figure from China's 2000 census includes 2.4 million Tibetans living in the Tibet Autonomous Region (TAR) and 2.9 million Tibetans living in areas of Eastern Tibet that, beginning in 1950, were incorporated into four Chinese provinces.

**Ten-Year Ratings Timeline For Year Under Review**  
**(Political Rights, Civil Liberties, Status)**

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF

**Overview:** Beginning in March 2008, Tibetans mounted hundreds of protests across the Tibet Autonomous Region and surrounding provinces. Some turned violent, reportedly leading to the deaths of 19 people. The authorities responded with the most severe crackdown in the region since 1989, detaining thousands of people and sentencing dozens to long prison terms. Soldiers allegedly opened fire on protesters, and the estimated death toll ranged from 100 to 218, though journalists were denied access to Tibetan regions, making details difficult to confirm. Adding to the tensions, the authorities stepped up their "patriotic education" campaign to suppress Tibetan dissent.

China formally annexed Tibetan territory in 1951. In an effort to undermine Tibetan claims to statehood, Beijing split up the lands that had traditionally comprised

Tibet, incorporating the eastern portion into four different Chinese provinces. The remaining area was designated the Tibet Autonomous Region (TAR) in 1965.

In 1959, Chinese troops suppressed a major uprising in Lhasa in which 87,000 people were reportedly killed. Tibet's spiritual and political leader—the 14th Dalai Lama, Tenzin Gyatso—was forced to flee to India with some 80,000 supporters. During the next six years, China closed 97 percent of the region's monasteries and defrocked more than 100,000 monks and nuns. During the Chinese Cultural Revolution (1966–76), nearly all of Tibet's 6,200 monasteries were destroyed.

Under reforms introduced in 1980, religious practice was allowed again—with restrictions—and tourism was permitted in certain areas. Beginning in 1987, some 200 mostly peaceful demonstrations were mounted. After antigovernment protests in March 1989, martial law was imposed; it was not lifted until May 1990.

In the 1990s, Beijing reinvigorated efforts to control religious affairs and undermine the exiled Dalai Lama's authority. Six-year-old Gedhun Choekyi Nyima was detained by the authorities in 1995, and his selection by the Dalai Lama as the 11th Panchen Lama was rejected; he has not been seen since. Beijing then orchestrated the selection of another six-year-old boy as the Panchen Lama. Since one of the roles of the Panchen Lama is to identify the reincarnated Dalai Lama, the move was seen as a bid by Beijing to control the eventual selection of the 15th Dalai Lama. China hosted envoys of the Dalai Lama in 2002, the first formal contacts since 1993. The Tibetan government-in-exile has sought to negotiate genuine autonomy for Tibet, particularly to ensure the survival of its Buddhist culture, but no progress has been made during subsequent rounds of dialogue, including the most recent in November 2008. Meanwhile, other Tibetan groups continue to demand independence.

Actions by hard-liner Zhang Qingli following his 2006 appointment as secretary of the Chinese Communist Party (CCP) in the TAR exacerbated Tibetan resentment of the Chinese presence and infringements on religious and cultural freedom. In 2007, the authorities amplified their repressive policies, including an anti-Dalai Lama "patriotic education" campaign and measures to increase control over Tibetan Buddhism. They also encouraged a larger influx of Han Chinese migrants. Partly to protest such policies, 300 monks conducted a peaceful march in Lhasa on March 10, 2008, the 49th anniversary of the 1959 uprising. The march was violently suppressed by security agents. Riots erupted four days later, with Tibetans attacking Han Chinese—civilians as well as those suspected of being plainclothes police—and burning Han- or Hui-owned businesses and government offices. The authorities reported that 19 people were killed, mostly in fires, and that the protests were coordinated from outside China. Most observers, however, believed the riots to be spontaneous outbursts of ethnic tension. Some, including prominent Chinese human rights activists, questioned the government's account of events, raising concerns of official malfeasance in connection with the riots, whether in terms of police not taking necessary steps to prevent violence or even instigating it. More than 150 other protests, the majority of them reportedly peaceful, soon broke out in Tibetan-populated areas of other provinces.

The authorities responded with a massive deployment of armed forces, establishing a lockdown at each protest site, confiscating communications equipment, and barring entry to foreign media. According to overseas Tibetan groups, between 100 and 218 Tibetans were killed as the security forces suppressed the demonstra-

tions. Security agents subsequently raided monasteries and private homes, detaining thousands of Tibetans, including some who had not been involved in protests. At year's end, at least 190 people had reportedly been tried and sentenced to between nine months and life in prison, according to the Tibetan Centre for Human Rights and Democracy. While most of the 4,400 people initially arrested were released by year's end, 1,000 or more remained missing or in incommunicado detention. Many heightened restrictions on speech, assembly, and religious practice were still in place at year's end.

While many Tibetans have benefited from the government's economic development programs, particularly infrastructural improvements, the changes have disproportionately benefited Han Chinese or a privileged class of Tibetan officials, often at the expense of younger Tibetans, who lack opportunities for higher education and employment. The development activity has also brought increased Han migration and rising Tibetan fears of cultural assimilation. In 2008, tourism revenue fell by over 50 percent, due largely to the uprising and subsequent government-imposed travel restrictions.

### **Political Rights and Civil Liberties:**

The Chinese government rules Tibet through administration of the TAR and 10 Tibetan autonomous prefectures in nearby Sichuan, Qinghai, Gansu, and Yunnan provinces. Under the Chinese constitution, autonomous regions have the right to formulate their own regulations and implement national legislation in accordance with local conditions. In practice, decision-making power is concentrated in the hands of senior party members, particularly Zhang Qingli, a Han Chinese who has served as the TAR's CCP secretary since 2006. No Tibetan has ever held the post, and the few who occupy senior positions serve mostly as figureheads, often echoing official statements that condemn the Dalai Lama and emphasize Beijing's role in developing Tibet's economy. Unlike China's provinces, which are run by governors, autonomous regional governments have the post of chairman, usually held by a member of the largest ethnic group. Jampa Phuntsog, an ethnic Tibetan, has served as chairman of the TAR government since 2003. Local government structures are similar to those in the rest of China. According to Tibetan exile groups, 13 Tibetan CCP members were expelled from the party in July 2008 for suspected involvement in the March protests and inadequate performance in the subsequent "patriotic education" campaign.

Corruption remains a problem in Tibet and is believed to be extensive given its level in other parts of China; nevertheless, little information was available during the year on the scale of the problem or official measures to combat it. Tibet is not ranked separately on Transparency International's 2008 Corruption Perceptions Index.

Chinese authorities control the flow of information in Tibet, tightly restricting all media and regulating internet use. International broadcasts are jammed. Increased internet penetration in urban areas has provided more access to information, but online restrictions in place across China are enforced even more stringently in the TAR. In 2008, officials reportedly shut down mobile-telephone networks and internet servers to prevent the circulation of images of the protests. Security forces also physically confiscated mobile phones, computers, and other communication devices during raids on monasteries and private homes, and monitored calls in and out of the region. Nevertheless, digital media played a crucial role in allowing demonstra-

tors to share mobile-phone photos and video clips of protests with other Tibetans and foreigners, spreading news of the uprising.

In the aftermath of the March 14 riots, the government barred foreign journalists from entering Tibet and expelled those already inside; heavy restrictions remained in place at year's end. Tibetans who spoke to foreign reporters or transmitted information abroad often suffered repercussions. Between October and November, a court in Lhasa sentenced seven Tibetans to between eight years and life in prison for participating in protests and sending information overseas, primarily to Tibetan exile groups. The crackdown extended to those who avoided overtly political topics, including a prominent television producer and advocate for the preservation of Tibetan culture who was arrested in Qinghai in April and later placed under house arrest. During the year, the Chinese government mounted a fierce propaganda campaign that fueled nationalistic outrage among Han Chinese against Tibetans and Western media coverage.

The authorities regularly suppress religious activities, particularly those seen as forms of political dissent or advocacy of Tibetan independence, and these restrictions increased in 2008. Possession of Dalai Lama-related materials can lead to imprisonment. CCP members and senior officials must adhere to atheism and cannot practice a religion. The Religious Affairs Bureaus (RABs) control who can and cannot study religion in the TAR; officials allow only boys over the age of 18 to become monks, and they are required to sign a declaration rejecting Tibetan independence, expressing loyalty to the Chinese government, and denouncing the Dalai Lama. TAR regulations announced in 2007 gave the authorities unprecedented control over Tibetan Buddhism, notably requiring government approval for the recognition and education of reincarnated teachers and restricting travel for the purpose of practicing religion.

The government manages the daily operations of monasteries through Democratic Management Committees (DMCs) and the RABs. Only monks and nuns deemed loyal to the CCP may lead DMCs. Since 1995, laypeople have also been appointed to these committees. After the March 2008 demonstrations, the Drepung and Nechung monasteries were sealed off by troops, and restrictions on burning incense were imposed at Repkong monastery. In May, security forces arrested a senior abbot who headed two convents in Ganzi, where over 80 nuns had protested Chinese rule, charging him with weapons possession and embezzlement; he had yet to be sentenced at year's end. Ganzi officials placed additional restrictions on speech and association for monks and nuns in the region, prescribing unprecedented punishments for violations, such as stripping teachers of religious authority and destroying parts of offending monasteries. Buddhist clergy also faced large-scale arrests. In the run-up to the Olympics in August, the authorities deported several hundred monks from the Drepung, Sera, and Ganden monasteries in the TAR and held them in detention centers around Golmud, Qinghai province. Many temples remained under 24-hour surveillance by soldiers or plainclothes policemen at year's end.

The government's "patriotic education" propaganda campaign, conducted sporadically since 1996, intensified after Zhang Qingli's appointment in 2006. In 2008, the campaign was extended beyond monasteries to reach Tibet's general population. Students, civil servants, farmers, and merchants were forced to recognize the CCP claim that China "liberated" Tibet and to denounce the Dalai Lama. Those who

refused faced expulsion from monasteries, loss of employment, or arrest. In April, police killed eight people in a village in Sichuan after they protested the earlier arrest of two monks who opposed official desecration of photos of the Dalai Lama.

University professors cannot lecture on certain topics, and many must attend political indoctrination sessions. The government restricts course materials to prevent campus-based political and religious activity. In July 2008, authorities ordered students who had studied abroad in schools run by the Tibetan government-in-exile to return and confess any involvement in political activities, threatening them with disciplinary action and their parents with expulsion from the party if they refused.

Freedoms of assembly and association are severely restricted in practice. Independent trade unions, civic groups, and human rights groups are illegal, and as seen in 2008, even nonviolent protests are harshly punished. Nongovernmental organizations (NGOs) focusing on development and health care operate under highly restrictive agreements. Some NGO employees were imprisoned during the 2008 crackdown. In October, a project officer for an HIV/AIDS program run by an Australian NGO was sentenced to life imprisonment for allegedly passing information to Tibetan exiles. On the same day, an employee of a Tibetan NGO focused on community development was sentenced to 14 years in prison for espionage.

The judicial system in Tibet remains abysmal. Defendants lack access to legal representation, and trials are closed if the issue of "state security" is invoked. Security forces routinely engage in arbitrary arrest, detention, torture, and execution without due process. Thousands of people were arrested during the 2008 crackdown, and at least 1,000 remained in custody at year's end. A group of 18 Chinese civil rights lawyers who offered to defend accused protesters were harassed and threatened with disbarment. At least one prominent lawyer, Teng Biao, was denied renewal of his law license in June. There were continued reports of detainees being subject to beatings and torture; Tibetan human rights groups and Amnesty International documented at least four Tibetans who reportedly died in custody as a result of torture in 2008.

After the March 2008 protests, already severe restrictions on freedom of movement were exacerbated by the deployment of an estimated 70,000 soldiers and the erection of roadblocks across the region. Tibetans without residence permits were ordered to leave Lhasa, and residents were reportedly barred from leaving the city until May; Han Chinese were apparently able to move around more freely. As a consequence of travel restrictions, the number of Tibetans who successfully crossed the border into Nepal in 2008 dropped to 550, from over 2,000 in 2007.

As members of an officially recognized "minority" group, Tibetans receive preferential treatment in university admissions. However, the dominant role of the Chinese language in education and employment limits opportunities for many Tibetans. The illiteracy rate among Tibetans (over 47 percent) remains five times greater than that of Han Chinese (around 9 percent). In the private sector, employers favor Chinese for many jobs, especially in urban areas. Tibetans find it more difficult than Chinese to obtain permits and loans to open businesses. General discrimination increased after the 2008 riots, as television broadcasts showed footage of Tibetans attacking Han Chinese and burning down Han and Hui businesses.

The authorities have intensified efforts to forcibly resettle traditionally nomadic Tibetan herders in permanent-housing areas. According to official reports, in 2008



alone, the government relocated some 312,000 Tibetan farmers and herders to housing projects in urban areas.

China's restrictive family-planning policies are more leniently enforced for Tibetans and other ethnic minorities than for Han Chinese. Officials limit urban Tibetans to having two children and encourage—but do not usually require—rural Tibetans to stop at three children.

## Cyprus Northern (Turkish) Cyprus

Population: 273,000

Political Rights: 2

Civil Liberties: 2

Status: Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
4,2PF	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F	2,2F

*Note: See also the country report for Cyprus.*

### Overview:

Reunification talks picked up in 2008 after the February election of a new president in southern Cyprus, although no concrete decisions were made. In April, the European Court of Human Rights gave a boost to Turkish Cyprus's property commission by ruling in favor of a land swap the commission had arranged to compensate a Greek Cypriot who had owned northern land before the division of the island in 1974.

Cyprus gained independence from Britain in 1960 after a 10-year guerrilla campaign by partisans demanding union with Greece. In July 1974, Greek Cypriot National Guard members, backed by the military junta that ruled Greece, staged an unsuccessful coup aimed at union. Five days later, Turkey invaded northern Cyprus, seized control of 37 percent of the island, and expelled 200,000 Greek Cypriots from the north. Today, the Greek and Turkish Cypriot communities are almost completely separated into their respective enclaves.

A buffer zone called the Green Line has divided Cyprus, including the capital city of Nicosia, since 1974. UN resolutions stipulate that Cyprus is a single country of which the northern third is illegally occupied. In 1983, Turkish-controlled Cyprus declared its independence as the Turkish Republic of Northern Cyprus (TRNC), an entity recognized only by Turkey.

The Turkish government elected in 2002 was much more supportive of the unification of Cyprus than its predecessors, since Turkey's chances of European Union (EU) membership had been linked to a resolution of the island's division. Interna-

tional pressure also helped move the two sides closer to a settlement. A pro-unification TRNC government led by Prime Minister Mehmet Ali Talat was elected in 2003.

Then UN secretary-general Kofi Annan led a round of negotiations that collapsed in 2004 after no consensus was reached. As previously agreed, Annan himself then proposed a reunification plan that was put to a vote in simultaneous, separate referendums on both sides of the island in April 2004. Amid accusations that the proposed plan favored the Turkish side, 76 percent of Greek Cypriots voted against the plan, while 65 percent of Turkish Cypriots, led by a new pro-reunification government, voted in favor. With the island still divided, only Greek Cyprus joined the EU as planned in May 2004. The EU had used the prospect of membership as a bargaining tool with Cyprus, and since membership was granted, a new unification plan became more difficult to achieve.

The pro-unification government elected in 2003 and the "yes" vote in the 2004 referendum weakened the power of President Rauf Denktaş, a unification opponent who had held his post since the TRNC declared independence. He did not run in the April 2005 presidential election. Instead, Talat emerged as the victor in a field of seven candidates, defeating National Unity Party (UBP) leader Derviş Eroğlu, 56 percent to 23 percent.

In legislative elections held in February 2005, Talat's Republican Turkish Party (CTP) won 44 percent of the vote, increasing its share of seats to 24 out of 50. The UBP, which had campaigned against unification in the 2004 referendum, came in second with 32 percent, or 19 seats. Serdar Denktaş, the son of Rauf Denktaş, led the CTP-allied Democratic Party (DP) to win six seats, an increase of one. The only other party in parliament was the pro-unification Peace and Democracy Party, which dropped from three seats to one.

The ruling CTP-DP coalition had difficulty forming a government after June 2006 by-elections. When three deputies (two from the UBP and one from the DP) resigned to form the new, progovernment Free Party in September, the coalition collapsed, and Serdar Denktaş quit the government. The DP and UBP blamed the collapse in part on Turkey, which had cooled to the elder Denktaş's anti-EU and antiunification positions and allegedly extended its disfavor to the son despite his more positive stance on those issues. Turkey was also accused of collusion to weaken the UBP, allegedly disapproving of the party's nationalist rhetoric. Prime Minister Ferdi Sabit Soyer kept his post when his CTP formed a new coalition government with the Free Party after the September 2006 collapse.

Talks between Talat and Greek Cypriot president Tassos Papadopoulos in July 2006, the first since the 2004 referendum, led to a program of confidence-building measures called the July 8 agreement. However, the process ultimately ground to a halt. A new series of talks began after Demetris Christofias was elected president in the south in February 2008, but no breakthroughs were made during the year, and the negotiators ended the year less hopeful about progress.

Also in 2008, the southern government withdrew its objections to northern contractors bidding for EU-funded infrastructure projects in the TRNC after official language was altered to avoid equating the northern entity with a country. The EU had approved a large aid package in 2006; the aid had first been suggested after Turkish Cypriots voted for unification in the 2004 referendum.

Economic opportunities in the north are more limited than in the south. The

economy depends heavily on the government of Turkey, and the public sector provides most jobs. The economy has stalled, with economic growth at close to zero for 2007 and no prospects for revival.

**Political Rights and Civil Liberties:** Elections in the TRNC are free and fair. The president and 50-seat Assembly are elected to five-year terms. The powers of the president are largely ceremonial; the prime minister is head of government. The main parties are the ruling, pro-unification CTP, in coalition with the new Free Party since September 2006; the UBP, which has opposed unification; and the DP, which left the ruling coalition in September 2006.

The roughly 1,000 Greek and Maronite Christian residents of the north are disenfranchised in the TRNC, but many vote in elections in the southern Republic of Cyprus. Minorities are not represented, and women are underrepresented, in the Assembly.

The government has made efforts to combat corruption in recent years, but graft and lack of transparency are still considered problems. Two ministers from the Free Party were accused in 2007 of receiving bribes from a construction company; one had been let go by the prime minister earlier in the year for "differences of principle," but no formal charges were brought. The TRNC is not listed separately on Transparency International's Corruption Perceptions Index.

Freedom of the media is generally respected, but problems persist. The criminal code allows the authorities to jail journalists for what they write, and the government has been hostile to the independent press. The editor of the outspoken daily *Afrika*, for example, has faced hundreds of court summonses for his paper's criticism of Turkish and Turkish Cypriot officials. The government does not restrict access to the internet.

A 1975 agreement with Greek Cypriot authorities provides for freedom of worship, which is generally respected. The government does not restrict academic freedom. In 2004, Turkish Cypriot schools began teaching a less partisan account of Cypriot history, in accordance with Council of Europe recommendations.

The rights of freedom of assembly and association are respected. Civic groups and nongovernmental organizations generally operate without restrictions. Workers may form independent unions, bargain collectively, and strike, although union members have been subject to harassment.

The judiciary is independent, and trials generally meet international standards of fairness. Turkish Cypriot police, under the control of the Turkish military, sometimes fail to respect due process rights, and there have been allegations of abuse of detainees. The police have also been accused of corruption related to narcotics trafficking. Since the TRNC is not recognized by other countries, it has no extradition treaties, and Turkish Cypriots accused of crimes abroad have sometimes fled back to northern Cyprus.

Census results released in 2007 showed that about half of the north's population consisted of indigenous Turkish Cypriots. The rest include people of mainland Turkish origin and many foreign workers, as well as Greek Cypriots and Maronites. The latter three groups face difficulties at Green Line checkpoints and discrimination, and they are allegedly subject to official surveillance. Male homosexuality is punishable with jail time, and while this is rarely enforced, homosexuals do face discrimination.

After the 2004 referendum on unification, the EU attempted to initiate direct trade and flights between northern Cyprus and the rest of the world, but it was unable to overcome Greek Cypriot resistance and international regulations that control the north's ports and airports. However, north-south trade on the island has increased since restrictions were loosened in 2004, and it is expected to increase further with the new border crossings that have opened, in particular, a central and very symbolic crossing at Ledra Street in Nicosia that opened in 2008. In addition, all EU citizens, including Greek Cypriots, can now travel to the north by presenting identity cards and no longer require passports or visas. Most governments do not recognize Turkish Cypriots' travel documents, so thousands have obtained Republic of Cyprus passports since the option became available in 2004. However, in 2008, Turkey began forbidding Turkish Cypriots from leaving the country through Turkey without passports from the north.

In 2005, the European Court of Human Rights (ECHR) ruled that the TRNC must take more effective steps to address the restitution of Greek Cypriots who had owned property in the north before the island's division. In March 2006, the northern authorities announced the formation of a property commission to adjudicate complaints. The commission, which the south did not recognize, had received about 310 complaints as of February 2008, and more than 30 had been resolved, although critics claim that compensation amounts are far below the value of the property. In 2008, the ECHR approved a land swap arranged by the property commission that exchanged a Greek Cypriot's property in the north for a Turkish Cypriot's property in the south. The ruling sparked controversy over whether the ECHR was also endorsing the property commission itself, and the southern government, which had custody of the southern land, refused to hand it over.

A 2007 survey found that three-quarters of women were victims of violence at least once in their lives, with most attacks occurring at home. Police have proven unwilling to intervene, and many women choose not to report the crimes. There are legal provisions for equal pay for equal work, but these are not always enforced, especially in blue-collar jobs.

## Georgia

### Abkhazia

**Population:** 340,000

**Political Rights:** 5

**Civil Liberties:** 5

**Status:** Partly Free



#### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF	5,5PF	5,5PF	5,5PF	5,5PF

#### Overview:

In March 2008, Russia withdrew from a 1996 treaty imposing sanctions on Abkhazia, and later substantially increased the number of Russian peacekeepers in the territory. While Georgian troops were occupied with a Russian invasion in August, Abkhaz forces captured the strategic Kodori Gorge, which had been under Georgian control. A French-brokered ceasefire between Georgia and Russia allowed the presence of additional Russian troops. However, in a move that was widely criticized internationally, Russia unilaterally recognized the territory's independence on August 26. Nicaragua was the only country to follow suit by year's end.

Annexed by Russia in 1864, Abkhazia became an autonomous republic within Soviet Georgia in 1930. After the 1991 collapse of the Soviet Union, Abkhazia declared its independence from Georgia in 1992, igniting a war that lasted nearly 14 months. In September 1993, Abkhaz forces, with covert assistance from Russia, seized control of the city of Sukhumi, ultimately defeating the Georgian army and winning de facto independence for the republic. As a result of the conflict, more than 200,000 residents, mostly ethnic Georgians, fled Abkhazia, and casualty figures were estimated in the thousands. An internationally brokered ceasefire was signed in Moscow in 1994, but the territory's final status remained unresolved.

Abkhaz president Vladislav Ardzinba ran unopposed for reelection in 1999, and a reported 98 percent of voters supported independence for Abkhazia in a concurrent referendum. Neither vote was recognized as legitimate by the international community. Deputies loyal to Ardzinba won all 35 seats in the 2002 parliamentary elections, after the opposition withdrew most of its candidates to protest bias by the election commission and state-backed media outlets.

After four months in office, Prime Minister Gennady Gagulia's government resigned in April 2003 under pressure from Amsakhara, an increasingly powerful opposition movement comprised mainly of war veterans. Defense Minister Raul Khadjimba succeeded Gagulia as prime minister, though Ardzinba refused to step down as president.

Former prime minister Sergei Bagapsh, leader of the opposition party United Abkhazia, defeated Khadjimba in the December 2004 presidential election, but he was pressured into accepting a January 2005 rerun with Khadjimba—who was backed by the Kremlin and Ardzinba—as his vice-presidential running mate. The new ticket won the rerun with 91 percent of the vote.

In May 2006, de facto Abkhazia foreign minister Sergey Shamba and Georgian presidential envoy for the Abkhaz conflict, Irakli Alasania, agreed to restart a Georgian-Abkhaz council suspended since 2001. In a May council meeting in Tbilisi, Shamba unveiled a peace plan cautiously praised by Alasania and Georgian minister for conflict resolution Giorgi Khaindrava. The same day, Georgian president Mikheil Saakashvili and Georgian defense minister Irakli Okruashvili visited a newly built Georgian military base in Samegrelo, near the Abkhaz border, troubling the Abkhaz side, which perceived the visit as highly symbolic.

In July 2006, Georgian troops occupied the strategic Kodori Gorge, the only portion of Abkhazia under Georgian control, after a Kodori-based Georgian paramilitary group refused orders from Tbilisi to disarm its fighters. The pro-Tbilisi government-in-exile for Abkhazia, composed of ethnic Georgians, was transferred to the gorge later that year.

A series of events in 2007 exacerbated tensions between Georgia and Abkhazia and prompted tit-for-tat accusations between Georgia and Russia as well. On March 11, the Kodori Gorge was struck by an antitank missile, with Georgian officials reporting that a Russian helicopter had invaded Georgia's airspace. On September 20, two Abkhaz militiamen were killed, and others captured, during a clash with Georgian Interior Ministry forces. Finally, on October 30, Georgian servicemen were detained by Russian peacekeepers in a Georgian-controlled town on Abkhazia's border.

Candidates from more than a dozen parties competed in the March 2007 Abkhaz parliamentary elections, and members of the three pro-Bagapsh parties captured more than 20 seats. Though opposition parties argued that Bagapsh had interfered with the election process, a number of opposition candidates were elected as well.

In January 2008, a UN Security Council report found that the relationship between the two sides of the Abkhazia dispute was at its lowest point since 1998. On March 6, Russia announced that it was withdrawing from a 1996 Commonwealth of Independent States (CIS) treaty that imposed sanctions on and banned links with Abkhazia, prompting Georgia to accuse Russia of moving toward annexation of the territory. That month, Saakashvili presented a peace plan, similar to one submitted in 2006, that the Abkhaz side rejected as "unacceptable."

Tensions mounted in April when Moscow decided to increase the number of Russian peacekeepers in Abkhazia to more than 2,500, drawing sharp criticism from NATO. Also that month, Georgia accused Russia of shooting down an unmanned Georgian drone over Abkhazia. A UN investigation in May found that the drone had been downed by Russia, and not by an Abkhaz jet as Russia claimed. A July 6 explosion in Gali, a region in Abkhazia with a large Georgian population, killed four people—including Gali's chief of security—and wounded six others. Abkhazia blamed Georgia for the attack, which Tbilisi denied. After war broke out in August between Russia and Georgia over South Ossetia, another breakaway Georgian region, Abkhaz forces captured the Kodori Gorge and an additional piece of Georgian territory along the Inguri River. Despite fears of ethnic-related violence or even eth-

nic cleansing of the region, no incidences of violence against the ethnic Georgian population in Gali was reported.

A French-brokered ceasefire between Georgia and Russia gave Moscow the right to deploy additional troops in Abkhazia and increased Abkhazia's international negotiation capabilities.

On August 26, Russia formally recognized both Abkhazia and South Ossetia as independent states. While the move was almost universally denounced by other countries and international organizations, it was expected to produce even closer Abkhaz-Russian ties and stave off Georgian control over Abkhazia for the foreseeable future. By year's end, only Nicaragua had joined Russia in recognizing the two enclaves.

**Political Rights and Civil Liberties:** Residents of Abkhazia can elect government officials, but the more than 200,000 Georgians who fled the region during the war in the early 1990s cannot vote in the elections held by the separatist government.

The 1994 constitution established a presidential-parliamentary system, but the president exercises substantial control. The president and vice president are elected for five-year terms. The parliament, or People's Assembly, consists of 35 members elected for five-year terms from single-seat constituencies.

An ethnic Georgian government-in-exile has operated with the support of the Georgian authorities since Abkhazia achieved de facto independence in the 1990s. The entity moved from Tbilisi to the upper Kodori Gorge after Georgian forces reasserted direct control over the area in 2006, but Abkhaz separatist forces occupied the gorge in 2008. The government-in-exile was subsequently moved back to Tbilisi, with local branches in Samegrelo and Imereti.

Corruption in Abkhazia is believed to be extensive, and government officials are not required to provide declaration of income, a source of criticism from international nongovernmental organizations (NGOs). The republic was not listed separately on Transparency International's 2008 Corruption Perceptions Index.

Electronic media are partially controlled by the state, though a ban prohibiting private broadcasters from airing news or political programming was lifted in 2004, and several live news programs were given broadcasting rights in 2007. Abkhaz NGOs successfully lobbied for the passage of a new law on freedom of expression in 2008 with the help of a British-based NGO.

Independent media outlets report continued pressure from the authorities, and are hampered by funding and distribution problems, as well as a low level of professionalism, though several independent newspapers are published in Abkhazia, including opposition newspapers that are critical of the government. The independent radio station Radio SOMA, supported by an international NGO, remains popular. Russian-funded, independent, and media outlets close to current authorities.

In April 2008, Abkhaz authorities expelled a Georgian Orthodox priest from Gali for allegedly failing to properly register with the local authorities. The Georgian Orthodox Church claims it is unable to operate in Abkhazia and accuses the Russian Orthodox Church of tacitly supporting separatism. Though a 1995 decree bans Jehovah's Witnesses, they continue to practice openly in Abkhazia, as do other Christian denominations.

While Georgian-language schools do not officially exist in Gali, at least three schools in the lower Gali district unofficially operate in Georgian, the result of a lack of qualified Russian-speaking staff. Georgian-language classes in Gali schools are permitted by the Abkhaz government. Ethnic Georgians who reside in Abkhazia and hold Georgian passports are restricted from studying at Sokhumi State University.

Although most NGOs in Abkhazia rely on funding from outside the territory, the NGO sector is relatively vibrant and exerts a significant degree of influence on government policies. However, Abkhaz NGOs are not permitted by the Abkhaz government to monitor local elections.

Defendants' limited access to qualified legal counsel, violations of due process, and lengthy pretrial detentions are among the chronic problems in Abkhazia's criminal justice system, though Abkhaz NGOs have initiated legislation to make the judiciary more independent and transparent.

The human rights and humanitarian situation in Abkhazia continued to be a serious problem in 2008. Fighting along the Abkhaz-Georgian border affected the security environment in the Gali district, whose population is largely ethnic Georgian, though irregular Abkhaz troops were prevented by local Abkhaz groups from attacking Gali residents during the war. No war-related episodes of murder or detention were reported.

In 2008, Abkhazia amended an election law requiring all voters to hold an Abkhaz passport, causing problems for the ethnic Georgian population in the Gali district, who were required to give up their Georgian passports as a result. Many Georgians in the Gali district are dual-passport holders and travel frequently between Gali and Georgia proper.

Travel and choice of residence are limited by the ongoing separatist dispute. Most of the ethnic Georgians who fled Abkhazia during the early 1990s are living in Tbilisi and western Georgia, primarily in the Zugdidi district. Abkhazia sealed the border between Gali and Georgia proper after the war, restricting Gali residents from moving across the border. Many Gali residents rely on unofficial cross-border trade, and Gali residents receive pensions in Georgia proper. According to a post-war decree by Abkhazia, Gali residents may be transported to Samegrelo in case of emergency medical treatment. Since the war, ethnic Abkhaz have had greater difficulty receiving visas to travel abroad, including to the United States and European Union countries.

As many as 85 percent of Abkhazia's residents hold Russian passports and receive social benefits as Russian citizens, which they claim is a matter of necessity in light of the fact that Abkhaz travel documents are not internationally recognized.

Equality of opportunity and normal business activities are limited by widespread corruption, the control by criminal organizations of large segments of the economy, and the continuing effects of the war. Abkhazia's economy is heavily reliant on Russia, and Russia's successful bid to hold the 2014 Olympics in nearby Sochi will likely have a notable economic impact on the region.



## Georgia South Ossetia

Population: 70,000

Political Rights: 7

Civil Liberties: 6

Status: Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
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### Overview:

After weeks of skirmishes along the de facto border between separatist South Ossetia and Georgia proper, Georgian forces on August 7, 2008 launched an assault on the South Ossetian capital, Tskhinvali, leading Russia to invade the country. After hundreds of people died on both sides and thousands of ethnic Georgians were displaced from their homes, Moscow on August 26 recognized the independence of South Ossetia despite widespread international criticism. Russia's subsequent political and economic takeover of South Ossetia effectively squelched any chance that the region would be reintegrated into Georgia in the foreseeable future.

South Ossetia first declared its independence from Georgia in 1920, amid the turmoil that followed the Russian Revolution and World War I. The bid was rejected by Georgia during its own brief period of independence, igniting a war that ultimately left thousands dead. Soviet forces invaded Georgia in 1921, and the Soviet Union declared South Ossetia an autonomous *oblast* (region) within Georgia in April 1922. With the Ossetians exercising modest control over the territory, Georgian-South Ossetian relations were marked by relative peace and stability during the Soviet period.

By 1989, a South Ossetian independence movement had arisen, partly in response to growing nationalism in Georgia. The movement demanded that the oblast be upgraded to a republic, a step that was rejected by Georgia. In 1990, South Ossetia declared full independence from Georgia, prompting Tbilisi to abolish South Ossetia's autonomous status. Fierce fighting broke out in January 1991, resulting in a thousand deaths and displacement on both sides; some 40,000 to 100,000 Ossetians fled to North Ossetia, then part of the Russian Soviet Federated Socialist Republic. In March 1991, a reported 99 percent of South Ossetian referendum voters endorsed the push for independence, and 90 percent voted in favor of joining Russia in a January 1992 referendum, after the final dissolution of the Soviet Union. Both plebiscites were rejected by Tbilisi.

In June 1992, the Sochi Agreement—a ceasefire pact signed by Tbilisi, Mos-

cow, and Tskhinvali—established a Russian-led peacekeeping force with Georgian and Ossetian components. It also created the Joint Control Commission (JCC), a negotiating framework that focused on security issues, economic rehabilitation, and the return of internally displaced persons (IDPs); the commission was cochaired by Georgia, Russia, and South and North Ossetia. The Organization for Security and Cooperation in Europe (OSCE) was put in charge of monitoring the ceasefire and facilitating negotiations.

Torez Kulumbegov led separatist South Ossetia from 1992 to 1993. He was succeeded by Lyudvig Chibirov, who went on to win the newly created post of president in 1996. Parliamentary elections were held in 1994, with the South Ossetian Communist Party capturing a narrow majority.

Though relations between Georgia and South Ossetia were calm and often cordial for the rest of the 1990s, the 2001 election of hard-liner Eduard Kokoity as president of South Ossetia renewed tensions. Kokoity led the first round of voting with 47 percent, followed by Communist Party regional leader Stanislav Kochiyev with 24 percent and Chibirov with 21 percent. Kokoity won the second round with 55 percent. His Unity Party took the majority of seats in 2004 parliamentary elections; though four seats were reserved for the territory's ethnic Georgian population, only five Georgian villages were able to vote. All of the separatist regime's elections went unrecognized by Georgia and the international community.

In May 2004, recently elected Georgian president Mikheil Saakashvili ordered a campaign to dismantle the multimillion-dollar smuggling operation controlled by Kokoity's regime. Georgian Interior Ministry troops were sent into the region, bombing roads and using military force to shut down the Ergneti Market, a major trading post and smuggling center. Tensions soon escalated, with dozens of people killed in August amid fears of all-out war. Ossetians, many of whom depended on the market for their livelihood, rallied around Kokoity. By August 19, the sides had agreed to a ceasefire, and in September, Saakashvili offered South Ossetia a proposal for expanded autonomy that was rejected by Tskhinvali.

South Ossetia held a joint referendum and presidential election on November 17, 2006, with 99.8 percent of voters on Ossetian-controlled territory reaffirming the bid for independence, according to Tskhinvali. Kokoity, who faced no genuine opposition, was reelected with a reported 98.1 percent of the vote.

On the same day, Georgian authorities organized a parallel election and referendum for South Ossetia's Georgian-controlled areas. Dmitry Sanakoyev, an ethnic Ossetian and South Ossetia's former defense minister, won the presidency with the support of about 96 percent of the 57,000 participating voters, according to the electoral commission established for the poll. A reported 94 percent voted in favor of a referendum calling for South Ossetia to form a federation with Georgia. Neither the separatist nor the Tbilisi-backed election was monitored by international organizations.

In 2007, Sanakoyev's parallel government was renamed as a provisional administrative unit, with a base of operations in Kurta, a Georgian-controlled city in South Ossetia. Though the project was cautiously approved by the international community, Sanakoyev, considered a traitor by many Ossetians, was never able to draw significant support away from Kokoity.

Following weeks of skirmishes along the border, tensions peaked in the summer of 2008, with Tbilisi launching an attack on Tskhinvali on August 7. Russia immedi-

ately retaliated by sending tanks and ground troops into South Ossetia, pushing back Georgian forces and expanding the zone of conflict by blocking Georgian ports and bombing Georgian civilian and industrial sites. On August 11, though Saakashvili had withdrawn Georgian troops from South Ossetia and called for a ceasefire, Russia opened a second front, sending Russian troops from Abkhazia, Georgia's other breakaway region, into the nearby Georgian town of Senaki. Though both sides had signed a French-brokered ceasefire by August 16, Russia continued its invasion, advancing into the Georgian city of Gori and only removing its troops on August 22, four days after the promised withdrawal date.

In a move that was denounced by the international community, Russia formally recognized the independence of South Ossetia and Abkhazia on August 26, and it later confirmed plans to keep Russian troops in both territories. The OSCE, which had monitored the conflict for 16 years, subsequently announced that it would be ending its mission in early 2009 due to Russia's refusal to extend its mandate unless the organization recognized the independence of South Ossetia and Abkhazia.

Russia has started several economic rehabilitation projects in South Ossetia, including the construction of a gas pipeline, a water system, and a \$100 million neighborhood funded by Moscow mayor Yuri Luzhkov on the site of a former Georgian-controlled village. The OSCE has reported that several of the economic projects it had funded in the region were deliberately destroyed by Ossetian forces. Russia's Chamber of Control said it planned to audit all funds entering the region, which was considered another move by Russia to control the territory and reduce Kokoity's remaining degree of independence.

In October, Western donors pledged \$4.5 billion to aid Georgia's war recovery efforts.

**Political Rights and Civil Liberties:** Due to an increasing lockdown by the Russian authorities, little information about South Ossetia's internal situation was available by year's end.

Though South Ossetia has previously conducted elections, they were not monitored or recognized by independent observers, and the lack of legitimate alternate presidential candidates all but ensured victory for separatist leader Eduard Kokoity in 2006. Most ethnic Georgians either declined to or were unable to participate in such elections.

Under South Ossetia's separatist constitution, the president and the 33-seat parliament are both elected for five-year terms. The composition of the government changed rapidly after the war, with Kokoity dismissing his cabinet in October 2008 and replacing most ministers with officials from Russia, allegedly under pressure from Moscow. Aslanbek Bulatsev, a former North Ossetian tax chief, was named prime minister, but he resigned in December amid reports in Russian newspapers of a power struggle between Russia and South Ossetians for control of the territory.

Corruption in South Ossetia is believed to be extensive, though the region was not listed separately on Transparency International's 2008 Corruption Perception Index. The Georgian authorities have accused South Ossetian authorities with involvement in human trafficking, and South Ossetia has been linked to extensive smuggling operations. In 2006, the U.S. Secret Service and the Georgian police uncovered an international counterfeiting operation in South Ossetia, with more than \$20 mil-

lion in fake bills circulating in the United States and other countries. A Russian citizen was also arrested in 2006 for smuggling weapons-grade uranium through the region.

There is currently little information about access to media in South Ossetia. It is assumed that television and radio broadcasts from Georgia have been blocked since the war. Electronic media are controlled by the state and reflect government positions. The State Committee on Information and Press maintains an English- and Russian-language website that is updated regularly.

The South Ossetian Orthodox Church, which is unrecognized by both the Georgian and Russian Orthodox Churches, continues to practice freely, according to religious monitoring group Forum 18. The government has not restricted academic freedom in the past, with many South Ossetians receiving higher education in North Ossetia or Moscow.

While there were several nongovernmental organizations working in South Ossetia before the war, at least one South Ossetian nongovernmental organization that claims to be independent has been linked to the government. In December 2008, the founder of an allegedly independent organization for democracy and human rights was recorded providing information to the South Ossetian intelligence service during a visit to Washington, as reported by the Associated Press.

South Ossetia's pre-war criminal code adhered to Georgia's Soviet-era criminal code of 1961 as well as to the 1996 Russian Federation criminal code. Though the death penalty exists in law, South Ossetia has maintained an unofficial moratorium on executions since 1996.

The human rights and humanitarian situation in South Ossetia was dire in 2008. Human Rights Watch (HRW) recorded a number of "indiscriminate and disproportionate" artillery and ground attacks by Georgian forces on South Ossetian civilians, as well as indiscriminate aerial, artillery, and ground attacks by Russian forces that killed and wounded Georgian civilians. According to HRW, some 160 civilians were unlawfully detained by Russian and Ossetian forces under degrading conditions; at least one detainee was killed. At least four Georgian prisoners of war were tortured, with at least three executed.

Ossetian forces razed homes and seized property in previously Georgian-controlled villages, killing at least nine civilians and raping at least two. Ethnic Georgians in one Russian-occupied region of South Ossetia have been subject to harassment, with the possible closure of its border with Georgia proper.

The Sanakoyev-led South Ossetia provisional administration has been moved to Tbilisi, and is now primarily focused on IDP issues. Around 25,000 of the almost 130,000 ethnic Georgians who fled their homes during the war were not expected to return home in the foreseeable future. Within months after the war, the Georgian government, under the auspices of the Georgian Ministry of Interior, constructed almost 4,000 homes for the displaced population and rehabilitated more than 9,300 homes in the buffer zone with South Ossetia.

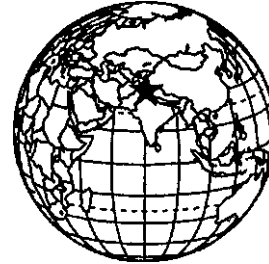
Before the war, ethnic Ossetians were able to travel freely into Russia and relatively freely into Georgia as well. Russian authorities have since restricted ethnic Ossetians from entering Georgia. Recognized by Russia as citizens of the country, South Ossetians can travel freely into Russia.

## India

### Kashmir

Population: 12,000,000

Political Rights: 5  
 Civil Liberties: 4  
 Status: Partly Free



**Trend Arrow:** Indian-controlled Kashmir received an upward trend arrow due to the holding of largely peaceful legislative elections in December in which opposition parties achieved notable gains.

#### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	5,5PF	5,5PF	5,5PF	5,5PF	5,5PF	5,4PF	5,4PF

#### Overview:

Meaningful progress on a solution to the conflict over Kashmir remained elusive in 2008, though talks between India and Pakistan continued during the year, and the line of control was opened to trade in October for the first time in 60 years. Summer protests over the retraction of a gift of land to Hindu pilgrims turned violent in August, leading to several deaths and hundreds of injuries. However, the overall level of violence declined, continuing a six-year trend. Nevertheless, deaths in custody were reported in 2008, and impunity generally remained the norm. Elections held in several stages in November and December saw high voter turnouts and were largely peaceful in the early stages, although some violence broke out on later polling dates; the Jammu and Kashmir National Conference captured a plurality of seats.

For centuries, Kashmir was ruled by Afghan, Sikh, and local strongmen. In 1846, the British seized control and sold the territory to the Hindu maharajah of the neighboring principality of Jammu, who later incorporated surrounding areas into the new princely state of Jammu and Kashmir. When British India was partitioned into India and Pakistan in 1947, Maharajah Hari Singh tried to maintain Jammu and Kashmir's independence, but eventually ceded it to India in return for autonomy and future self-determination.

Within months, India and Pakistan went to war over Kashmir. As part of a UN-brokered ceasefire in 1949 that established the present-day boundaries, Pakistan gained control of roughly one-third of Jammu and Kashmir. India retained most of the Kashmir Valley, along with Jammu and Ladakh. Under Article 370 of India's constitution and a 1952 accord, the territory received substantial autonomy, but India annulled such guarantees in 1957 and formally annexed the portion of Jammu and Kashmir under its control. Since then, the territory has largely been governed as

other Indian states, by an elected state legislature headed by a chief minister. Seeking strategic roads and passes, China seized a portion of Kashmir in 1959. India and Pakistan fought a second, inconclusive war over the territory in 1965. Under the 1972 Simla accord, New Delhi and Islamabad agreed to respect the Line of Control (LOC) dividing the region and to resolve Kashmir's status through negotiation. Another round of fighting broke out between the two countries in 1999, when they engaged in a 73-day military conflict in Kargil.

In 1987, the pro-India National Conference (NC) party won state elections marred by widespread fraud, violence, and arrests of members of a new, Muslim-based opposition coalition, leading to widespread unrest. An armed insurgency against Indian rule gathered momentum after 1989, when militant groups linked to political parties assassinated several NC politicians and attacked government targets in the Kashmir Valley. The militants included the Jammu and Kashmir Liberation Front (JKLF) and other pro-independence groups consisting largely of Kashmiris, as well as Pakistani-backed Islamist groups seeking to bring Kashmir under Islamabad's control.

As the violence escalated, New Delhi placed Jammu and Kashmir under federal rule in 1990 and attempted to quell the mass uprising by force. By the mid-1990s, the Indian army had greatly weakened the JKLF, which abandoned its armed struggle in 1994. The armed insurgency has since been dominated by Pakistani-backed extremist groups, which include non-Kashmiri fighters from elsewhere in the Muslim world. Although opposition parties joined together to form the All Parties Hurriyat Conference (APHC) in 1993, they boycotted the 1996 state elections, and the NC was able to form a government under party leader Farooq Abdullah. In 2000, Hizbul Mujahideen, the largest armed group in Kashmir, initiated a dialogue with the Indian government. However, after the talks broke down and a summit held in 2001 failed to resolve India and Pakistan's differences over Kashmir, militants again stepped up their attacks.

New Delhi encouraged all political parties to participate in the 2002 state elections but was unsuccessful in persuading the APHC. However, in a surprise result, the ruling NC lost 29 of its 57 assembly seats, while the Congress Party and the People's Democratic Party (PDP) made significant gains, winning 16 and 20 seats, respectively. In November, the two parties formed a coalition government headed by the PDP's Mufti Mohammad Sayeed. In October 2005, Sayeed stepped down as chief minister as part of the coalition agreement, and Congress leader Ghulam Nabi Azad was named as his replacement.

Though fighting continued, the number of casualties from militant attacks or actions by security forces steadily declined after the 2002 elections, as relations between the Indian government and moderate Kashmiri separatist groups improved. In 2004, talks were held for the first time between Kashmiri separatists and the highest levels of the Indian government. India enabled several separatist political leaders to travel to Pakistan and meet with Pakistan-based separatists in June 2005. At this gathering and a later meeting with Indian prime minister Manmohan Singh in September 2005, the moderate APHC leaders reiterated their renunciation of violence and called for Kashmiris to become more deeply involved in the negotiating process. However, the latter desire was hampered by an emerging split within the APHC between hard-liners, who favor a continuation of the insurgency, and moderates, who favor a political solution. This split worsened in 2007, as militants launched

a grenade attack against the headquarters of the moderate bloc in January, and the two factions clashed in the streets of Srinagar in August. While tensions between moderate and hard-liners continued in 2008, there were no further reports of related violence.

In July 2008, violence broke out in Kashmir when the Indian government rescinded a gift of protected forestland given to Hindu pilgrims. The gift of a small tract of land to the trust running the Amarnath Hindu shrine in late June provoked nine days of massive street protests from Muslims. The subsequent revocation on July 1 sparked a series of strikes and protests from Hindus and counter-protests from Muslims. Hundreds were arrested and several killed in clashes with the police through August. Fifteen Muslim protesters were killed on August 11, when police fired into a stone-throwing crowd, and several more civilians were killed in protests the following day. Following an imposition of a two-day curfew in late August, the violence ended when authorities reached a compromise with protest groups, agreeing to allow temporary use of the land during the pilgrimage.

Despite the summer violence, the number of fatalities decreased for the sixth consecutive year in 2008. According to the South Asia Terrorism Portal, approximately 475 people were killed during the year, in comparison to 777 in 2007. Nevertheless, additional incidents of violence occurred throughout 2008, including bomb attacks targeting public places and other attacks directed at security forces, politicians, and minority groups. Given the reductions in violence, the PDP threatened to withdraw from the state's ruling coalition in April 2007 unless troop levels were reduced and the Armed Forces Special Powers Act (AFSPA) was repealed. In response, India relocated thousands of troops in November 2007, but avoided a more substantive demilitarization.

Elections in 2008 were held in seven stages from November 17 to December 28. Turnout was higher than expected throughout, reaching above 60 percent on most polling dates, as voters largely ignored calls for a boycott from separatist groups. While early voting dates were generally peaceful, some violence marred later polling—particularly stage five in early December—when anti-election protesters clashed with security forces. The elections were considered generally free and fair, however, with incidents of voter intimidation, harassment, and violence down significantly from previous years. The Jammu and Kashmir National Conference won a plurality of seats with 28, followed by the PDP with 21 seats. The BJP made significant gains, capturing 11 seats.

New Delhi continued its effort to improve relations with Pakistan in early 2008, although tensions flared following terrorist attacks in Mumbai in November. Talks between the two countries over the ultimate status of Kashmir, as well as other confidence-building measures, have occurred regularly since a ceasefire was instituted in November 2003. In April 2005, a bus service across the LOC was launched, linking the capitals of Indian and Pakistani Kashmir (PoK) and allowing Kashmiri civilians to reunite with family members. Nevertheless, due to onerous red tape, only several thousand Kashmiris have been able to avail themselves of this new opportunity. Talks continued in 2008, but tension over Indian accusations of Pakistani involvement in an attack on the Indian Embassy in Kabul in July stalled progress. In September, the two sides announced talks would resume within three months, and in October, trade reopened along the Pakistani-Indian LOC; the border had been closed

to trade for 60 years. Terror attacks in Mumbai in November 2008 again strained relations between the two countries, however, with India contending that the attack was based from and supported by Pakistan. Increased tensions have once again stalled talks.

**Political Rights and Civil Liberties:** Each of India's states, including Jammu and Kashmir, is governed by an appointed governor who serves as titular head of state and an elected bicameral legislature headed by a chief minister. Members of the lower house, or State Assembly, are directly elected, while the upper house has a combination of members elected by the State Assembly and nominated by the governor. India has never held a referendum allowing Kashmiri self-determination as called for in a 1948 UN resolution. The state's residents can nominally change the local administration through elections, which are held at least once every five years, but historically elections have been marred by violence, coercion by security forces, and balloting irregularities. Militants commonly enforce boycotts called for by separatist political parties, threaten election officials and candidates, and kill political activists and civilians during balloting.

In the campaign period leading up to the 2002 elections for the 87-seat State Assembly, more than 800 people, including over 75 political activists and candidates, were killed. However, the balloting process itself was carefully monitored by India's Election Commission, and most independent observers judged the polls to be fair but not entirely free, largely because of the threat of violence. Municipal elections held in February 2005 were also largely peaceful, while four by-elections for the state legislature held in April 2006 yielded close to a 60 percent turnout, despite militant groups' calls for a boycott. The November and December 2008 elections, which were considered generally free and fair, were generally peaceful despite some later incidents of violence.

Political violence has included high-profile assassinations, such as that of Education Minister Ghulam Nabi Lone in 2005. In April 2007, unidentified gunmen murdered a Congress party district president. Later that month, police reportedly foiled two plots to assassinate Chief Minister Ghulam Nabi Azad. A district president for the PDP was shot and killed by militants in September 2008.

Although Jammu and Kashmir was returned to local rule in 1996, many viewed the government as corrupt, incompetent, and unaccountable to the wishes and needs of Kashmiris. A 2005 survey by Transparency International found that Jammu and Kashmir was India's second-most-corrupt state. Since then, the government appears to have been making additional efforts to fight corruption, though it remains widespread. In 2006, a revision of the Prevention of Corruption Act was passed, and the State Vigilance Organization has been active in recent years, charging several local officials with fraud and misappropriation of funds. Nevertheless, higher-level officials are seldom targeted, and convictions are rare. Several whistle-blowers have reported harassment after filing complaints. Indian-controlled Kashmir was not ranked separately on Transparency International's 2008 Corruption Perceptions Index.

Primarily because of pressure from militants, conditions for the media remain difficult, and many journalists practice some level of self-censorship. Militant groups regularly threaten and sometimes kidnap, torture, or kill journalists. Journalists are also occasionally harassed or detained by the authorities. Photojournalist Maqbool



Sahil was released in 2008 after four years in detention under the Public Safety Act, despite repeated court decisions calling for his release while in detention.

Though it is generally not used, India's 1971 Newspapers Incitements to Offenses Act (in effect only in Jammu and Kashmir) gives district magistrates the authority to censor publications in certain circumstances. Pressure to self-censor has been reported at smaller media outlets that rely on state government advertising for the majority of their revenue. Despite these restrictions, newspapers report on controversial issues such as alleged human rights abuses by security forces. The authorities generally allow foreign journalists to travel freely, meet regularly with separatist leaders, and file reports on a range of issues, including government abuses. The curfew imposed by the government in August prevented the publication of several local and regional newspapers, and 13 journalists were beaten when they tried to get to work despite the curfew. A camera-man was killed by security forces while covering a protest in the same month. Officials banned local news during the crisis.

Freedom of worship and academic freedom are generally respected by Indian and local authorities. Since 2003, the state government has granted permission to separatist groups to organize a procession marking the prophet Muhammad's birthday. However, Islamist militants at times attack Hindu and Sikh temples or villages. The gift and subsequent retraction of land for a Hindu pilgrimage site in June 2008 led to an escalation of religious violence, inspiring large and sometimes violent protests throughout the summer. In July, a bomb exploded at a bus stop regularly used by Hindu pilgrims, killing 4 and injuring at least 21 others, including 14 pilgrims.

Freedoms of assembly and association are occasionally restricted. Although local and national civil rights groups are permitted to operate, they sometimes encounter harassment by security forces. The APHC, an umbrella group of 23 secessionist political parties, is allowed to operate, but its leaders are frequently subjected to short-term preventative detention, and its requests for permits for public gatherings are often denied. Politically motivated shutdowns, protest marches, and anti-government demonstrations take place on a regular basis, though some are forcibly broken up by the authorities. During the violent summer protests in 2008, there were several reports of police shooting indiscriminately into stone-throwing crowds. Altogether, at least 40 protesters were killed and over 100 injured, with Muslims accounting for the majority of fatalities.

Courts were regularly in session in Jammu and Kashmir in 2008, according to the U.S. State Department's human rights report. Nevertheless, judges, witnesses, and the families of defendants remain subject to threats and intimidation from militants. In addition, the government and security forces frequently disregard court orders, including those quashing detentions. Two broadly written laws—the AFSPA and the Disturbed Areas Act—allow Indian forces to search homes and arrest suspects without a warrant, shoot suspects on sight, and destroy buildings believed to house militants or arms. In a widely criticized decision in May 2007, India's Supreme Court dismissed a petition filed by the widow of a custodial killing victim who had been arrested under the AFSPA. According to local rights groups, the decision set a dangerous precedent, reversing previous rulings requiring the armed forces to involve civilian police in operations and thus removing an important safeguard for detainees. While the 50th anniversary of the AFSPA in 2008 brought renewed calls

from local officials, nongovernmental organizations, and the media to repeal the act, the government had not done so by year's end.

In a continuing cycle of violence, hundreds of militants, security personnel, and civilians are killed each year, although the number continued to decline in 2008. The SATP reported that 61 civilians, 84 security personnel, and 330 militants were killed during the year. The total of 475 was a significant decrease from the previous year's death toll of 777. Approximately 600,000 Indian security personnel based in Kashmir carry out arbitrary arrests and detentions, torture, "disappearances," and custodial killings of suspected militants and alleged civilian sympathizers. As part of the counterinsurgency effort, the government has organized and armed progovernment militias composed of former militants. Members of these groups act with impunity and have reportedly carried out a wide range of human rights abuses against pro-Pakistani militants and civilians. According to human rights groups, 60 people have reportedly disappeared since 2006, though only 9 disappearances were recorded in 2007. No widely accepted data is available for disappearances in 2008, although three cases were reported between July and October. Eighteen cases of extrajudicial killing were also reported in 2007. In April 2008, the Association of Parents of Disappeared Persons reported that over 1,000 unmarked graves had been found across the state. The police claimed the graves belonged to foreign militants. Local human rights groups estimate that at least 8,000 people have "disappeared" since the insurgency began. Of particular concern is the continuing problem of killings in which security forces kill militants or civilians in their custody and then claim that they were "encounter" deaths, meaning they occurred during firefights. The practice is exacerbated by the fact that security personnel are often rewarded—with either cash or a promotion—for producing a dead "militant," and holding militants in custody is considered a security risk. Two men were reportedly executed in falsified encounter killings in June and July 2008 in Bandipora.

Impunity for rights abuses by Indian armed forces has been the norm, in part because under the AFSPA, New Delhi is required to approve any prosecutions. However, the discovery of apparent victims of fake encounter killings in February 2007 prompted an unusually thorough investigation, and at least 18 policemen were charged, including a number of senior officers and a former superintendent. A commission appointed to investigate custodial killings and fake encounter deaths in April 2007 has had difficulties finding witnesses willing to give evidence, and no report was issued in 2008. While the state human rights commission examines several dozen complaints a year (it has received hundreds since its inception), it is hampered by inadequate resources and infrastructure. In addition, it cannot directly investigate abuses by the army or other federal security forces, nor can it take action against those found to have committed violations.

Armed with increasingly sophisticated and powerful weapons, and relying to a greater degree on the deployment of suicide squads, militant groups backed by Pakistan continue to kill pro-India politicians, public employees, suspected informers, members of rival factions, soldiers, and civilians. The roughly 1,400 active militants also engage in kidnapping, rape, extortion, and other forms of intimidation. In December 2007, the largest active militant group, Hizbul Mujahideen, announced a suspension of all grenade attacks in public places. The move was seen as an effort to gain public support. However, grenade attacks and other violence continued

through 2008. Violence targeting Pandits, or Kashmiri Hindus, is part of a pattern dating to 1990 that has forced several hundred thousand Hindus to flee the region; many continue to reside in refugee camps near Jammu. Other religious and ethnic minorities such as Sikhs and Gujjars have also been targeted.

As in other parts of India, women face some societal discrimination as well as domestic violence and other forms of abuse. Female civilians continue to be subjected to harassment, intimidation, and violent attack, including rape and murder, at the hands of both the security forces and militant groups. In recent years, women and girls have also been targeted by Islamist groups and pressured to adopt more conservative styles of dress or stop attending school, but there were no reported instances of this in 2008.

## Israel Israeli-Occupied Territories

**Population:** 4,013,000 (Gaza: 1,552,000; West Bank: 2,461,000). In addition, there are some 187,000 Israeli settlers in the West Bank and 20,000 in the Golan Heights, and approximately 177,000 Jews live in East Jerusalem.



**Political Rights:** 6

**Civil Liberties:** 6

**Status:** Not Free

**Trend Arrow:** The Israeli-occupied territories received a downward trend arrow due to the continued expansion of Israeli settlements, increased restrictions on Palestinian economic activity because of the West Bank security barrier, settler attacks on Palestinian civilians, and the Israeli military's economic blockade and late-December attacks on the Gaza Strip.

*Note:* The areas and total number of persons under Israeli jurisdiction changed periodically during the year as a result of the fluid nature of Israel's military presence in the West Bank and Gaza Strip.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,5NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,5NF	6,5NF	6,6NF	6,6NF

### Overview:

Clashes between Israeli forces and Hamas militants continued in and around the Gaza Strip in 2008, leading to hundreds of Palestinian casualties. While violence decreased after Israel and Hamas agreed to a June ceasefire, major fighting between Israel and Hamas in the Gaza Strip erupted in December after the truce expired. Clashes also occurred in the West Bank during the year, where Israeli forces

**maintained control of about 60 percent of the territory. Construction of new structures in West Bank settlements grew by 60 percent in 2008 (compared with 2007), while settlers also built over 260 unofficial outposts, according to Peace Now.**

Israel declared its statehood in 1948 on land allotted for Jewish settlement under a UN partition plan. It gained additional territory in the ensuing conflict with neighboring Arab states. Meanwhile, Jordan captured East Jerusalem and the West Bank, and Egypt took the Gaza Strip. In the 1967 Six-Day War, Israel seized the West Bank, East Jerusalem, and the Gaza Strip, as well as the Sinai Peninsula (from Egypt) and the Golan Heights (from Syria). The Sinai was later returned to Egypt.

After 1967, Israel began establishing Jewish settlements in the West Bank and Gaza Strip, an action regarded as illegal by most of the international community. Israel has maintained that the settlements are legal since under international law the West Bank and Gaza are disputed territories. In what became known as the first *intifada* (uprising), Palestinians living in the West Bank and Gaza began attacking mainly Israeli settlers and Israel Defense Forces (IDF) troops in 1987. Israel and Yasser Arafat's Palestine Liberation Organization (PLO) reached an agreement in 1993 that provided for a PLO renunciation of terrorism and recognition of Israel, Israeli troop withdrawals, and gradual Palestinian autonomy in the West Bank and Gaza.

In subsequent years, the IDF granted the new Palestinian Authority (PA) control over most of Gaza and up to 40 percent of West Bank territory, including 98 percent of the Palestinian population outside of East Jerusalem. However, the IDF reentered most PA areas after the September 2000 eruption of the second *intifada*.

Israeli and Palestinian leaders engaged in far-reaching negotiations under U.S. sponsorship in 2000 and early 2001, but the talks failed to produce a final settlement. The Palestinians' armed uprising continued, and violence flared throughout the occupied territories. Meanwhile, Likud party leader Ariel Sharon was elected Israeli prime minister in 2001. Insisting that the PA was not preventing terrorism, Israel responded to Palestinian suicide bombings by staging raids into and reoccupying swaths of PA-ruled territory. The incursions targeted Islamist and secular militant groups but also caused the deaths of many civilians.

In 2003, Israel and the PA agreed to abide by a "road map" to peace put forward by the United States, Russia, the United Nations, and the European Union (EU). The plan demanded coordinated Palestinian and Israeli steps toward peace, and the eventual creation of an independent Palestinian state.

After Arafat's death in 2004 and the election of Mahmoud Abbas as the new PA president in 2005, violence declined markedly. In February 2005, Sharon and Abbas agreed on a formal truce that lasted through June 2006. Israel unilaterally withdrew all settlers from the Gaza Strip in August 2005, and by September, all IDF troops had pulled out of the territory. However, while Israel handed control of Gaza's southern border to the PA and the EU (subject to Israeli surveillance), it retained control over the airspace and coastline.

The Islamist faction Hamas won 74 of 132 seats in the 2006 elections to the Palestinian Legislative Council (PLC). Abbas's Fatah party won only 45 seats, allowing Hamas to form a government without Fatah support. Israel, the United States, and the EU refused to recognize the Hamas-led government, citing the group's involvement in terrorism and refusal to recognize Israel or past Israel-PA agreements.

In June 2006, in response to the killing of eight Palestinian civilians by an artillery shell, Hamas declared an end to the 2005 truce with Israel and accelerated the firing of Qassam rockets at Israel from Gaza. The source of the artillery fire remains disputed. Hamas and other militant groups subsequently carried out a raid near Gaza, killing two IDF soldiers and capturing a third, Corporal Gilad Shalit. Israel responded by invading Gaza, where the IDF destroyed Qassam launchers and ammunition sites but failed to locate Shalit. The fighting killed dozens of unarmed civilians. Human rights groups condemned Israel for these deaths and the destruction of a major power plant in Gaza. In November 2006, an Israeli tank patrol missed its target in the Gazan town of Beit Hanoun and hit a row of houses, killing 19 civilians. In September 2008, a UN report on the incident declared that it may have been a war crime. PA-controlled areas of the West Bank also faced Israeli incursions in 2006.

IDF operations in the West Bank dropped precipitously following the fracturing of the PA in June 2007 between the Hamas-controlled Gaza Strip and the Fatah-controlled West Bank (see separate report on PA). By contrast, Israel declared the Gaza Strip a "hostile entity" in response to the continued barrage of Qassam rockets and closed down its borders with the territory. It allowed food deliveries for the remainder of the year, but shut off almost all fuel deliveries, leaving most residents with only sporadic electricity. Responding to legal challenges, the Israeli Supreme Court ruled that the government could restrict fuel supplies but had to do more to ensure minimal humanitarian impact. Meanwhile, Israeli forces continued to attack targets in the Gaza Strip and clash with Palestinian militants near the border throughout the year. According to the human rights group B'Tselem, about 350 Palestinians were killed by Israeli forces in 2007, including many civilians.

In January 2008, Hamas militants blasted gaps in the border barrier between Egypt and Gaza, leading hundreds of thousands of Gazans to cross into Egypt to buy supplies. Arms and goods were also regularly smuggled through a tunnel network dug between Egypt and Gaza. Fighting between the IDF and Gaza militants also continued in early 2008. B'Tselem reported that during the particularly violent week of February 27 to March 3, 106 Palestinians were killed in the Gaza Strip, including 54 civilians (25 of whom were minors). In June, Israel and Hamas agreed to a six-month ceasefire, leading to a significant drop in Gaza-related violence and an easing of the blockade.

Meanwhile, Israeli troops staged a number of raids into Palestinian towns in the West Bank during the year, in addition to regular patrols. The IDF reportedly controlled about 60 percent of the West Bank, and construction continued on a controversial security barrier running roughly along the West Bank side of the 1949 armistice line (Green Line). In some areas, it jutted farther into the West Bank and restricted Palestinian access to agricultural property, schools, and jobs. Palestinians complained that the barrier, which by the end of 2008 was about 65 percent complete, expropriated West Bank land and collectively punished ordinary Palestinians for acts committed by terrorists. Frequent protests against the barrier often turned violent. In a high-profile August incident, an Israeli commander and sergeant were put on trial for "unworthy conduct" after footage emerged showing the sergeant shooting a rubber bullet at the feet of a bound Palestinian prisoner. B'Tselem called for criminal charges and released a report accusing the IDF and border police of excessive use of rubber bullets.

The 2007 split between the Hamas-controlled Gaza Strip and the Fatah-controlled West Bank led to accelerated peace negotiations between Israel and Abbas's Fatah-led government. However, despite a series of confidence-building measures—including the release of hundreds of Palestinian prisoners held in Israel and the wider deployment of Palestinian security forces in the West Bank—the parties remained far from completing final-status negotiations by the end of 2008 (the deadline set at a U.S.-backed conference in 2007).

A major sticking point in the talks was Israel's general failure to honor past agreements calling for a freeze in West Bank settlement construction. In August, the Israeli antisettlement group Peace Now claimed that, in 2008, Israel had built 60 percent more structures in existing West Bank settlements than in 2007, including 748 permanent buildings and 509 caravans. The report also documented the construction of 261 unofficial outposts by settlers. In an earlier report, the group accused the government of passing fewer than 6 percent of Palestinian building requests and demolishing 33 percent of illegal Palestinian-built structures, compared with 7 percent of illegal Jewish-built structures. In March, Defense Minister Ehud Barak and settler leaders agreed to dismantle 26 outposts built on private Palestinian land, though only a few were actually dismantled by year's end.

In late 2008, the truce between Israel and Hamas in the Gaza Strip began to break down. Israeli forces mounted a raid into Gaza in early November, touching off a clash with Palestinian militants. The expiration of the truce in December saw major fighting erupt between Hamas and Israel. Hamas resumed and ramped up its rocket bombardment of Israel, and the IDF launched a major campaign of airstrikes in Gaza, preparing the way for a possible ground invasion. While Hamas's indiscriminate attacks on civilian targets were condemned by human rights groups and other observers, the IDF bombing revived long-standing complaints that Israel's tactics caused many Palestinian civilian casualties, destroyed civilian infrastructure, and inflicted "collective punishment" on Gazans; according to the BBC, over 350 Palestinians had been killed in the fighting by year's end, along with 4 Israelis. Israeli authorities argued that their actions were necessary to protect Israeli civilians, and that Palestinian civilian casualties were caused by Hamas and other militant groups' use of civilian areas to stage and prepare attacks.

### **Political Rights and Civil Liberties:**

Since they are not citizens of Israel, Palestinians under Israeli control in the West Bank and Gaza cannot vote in Israeli elections. They are permitted to vote in elections organized by the PA. Israel was generally credited with allowing relatively free movement during the 2005 presidential and 2006 legislative elections for the PA, although some problems during the campaign, with electoral preparations, and with Israeli roadblocks were reported.

After Israel annexed East Jerusalem in 1967, Arab residents were issued Israeli identity cards and given the option of obtaining Israeli citizenship. However, by law, Israel strips Arabs of their Jerusalem residency if they remain outside the city for more than three months. Those who do not choose Israeli citizenship have the same rights as Israeli citizens except the right to vote in national elections (they can vote in municipal elections). Many choose not to seek citizenship out of solidarity with Palestinians in the West Bank and Gaza Strip, believing East Jerusalem should

be the capital of an independent Palestinian state. East Jerusalem's Arab population does not receive a share of municipal services proportionate to its numbers.

Arabs in East Jerusalem have the right to vote in PA elections, but are subject to restrictions imposed by the Israeli municipality of Jerusalem. In the 2006 PLC elections, Israel barred Hamas from campaigning in the city.

Druze and Arabs in the Golan Heights cannot vote in Israeli national elections, but they are represented at the municipal level.

International press freedom groups regularly criticize Israel for blocking journalists' access to conflict zones, harming and sometimes killing reporters during battles, and harassing Palestinian journalists. Israel insists that reporters risk getting caught in crossfire but are not targeted deliberately. In March 2008, the International Federation of Journalists (IFJ) reported that eight Palestinian journalists were being detained by Israel. The following month, Reuters cameraman Fadel Shana and eight other civilians were killed by Israeli tank fire in Gaza; an IDF investigation cleared the soldiers, finding that they had mistaken the cameraman's tripod for an antitank weapon, but press freedom organizations rejected the report, noting that Shana's car was marked as a press vehicle and that no warning shots were fired. Israeli forces were accused of abusing and improperly detaining Palestinian journalists in the West Bank during the year, and Israeli authorities shut down Afaq TV in Nablus for one year in July, citing the station's affiliation with Hamas; three Hebron-based radio stations were raided and shut down in August. In October, the IFJ called on Israeli authorities to protect Palestinian journalists covering clashes between Jewish settlers and Palestinian olive harvesters from settler attacks.

Israel generally recognizes the right to freedom of worship and religion. On several occasions since 2000, Israel has restricted Muslim men under 45 from praying at the Temple Mount/Haram al-Sharif compound in Jerusalem for fear of violent confrontations. While academic freedom is generally respected, IDF-imposed closures and curfews in the West Bank, and the growing security barrier, have crippled the ability of many Palestinian academic institutions to operate. Schools have sometimes been damaged during military operations, and student travel between the Gaza Strip and the West Bank has been limited. Schoolchildren have been injured or killed during fighting. Israel's tight border restrictions on Gaza have prevented Palestinian students from leaving to study abroad. In June 2008, the Israeli Supreme Court issued a nonbinding ruling calling on the government to allow Gazan students to study abroad.

While freedom of assembly is sometimes respected, demonstrations often turn violent and are forcibly dispersed, resulting in deaths on some occasions. Israel has imposed strict curfews in the West Bank at various times since 2000. In 2008, Israeli police broke up frequent demonstrations in opposition to the security barrier in the West Bank. In one such incident in July, a Palestinian boy was killed by an Israeli soldier in the village of Ni'lin; the soldier was placed under house arrest and is being investigated. During the boy's funeral procession the following day, an 18-year-old man was mortally wounded by rubber bullets after troops and protesters clashed.

There are many Palestinian nongovernmental organizations (NGOs) and civic groups, and their activities are generally not restricted by Israel. Associations that espouse violence enjoy significantly less freedom. Labor affairs in the West Bank and Gaza are governed by a combination of Jordanian law and PA decisions. Work-

ers may establish and join unions without government authorization. Palestinian workers in Jerusalem are subject to Israeli labor law.

Israel's Supreme Court hears petitions from non-Israeli residents of the occupied territories regarding home demolitions, outposts on confiscated land, and IDF tactics. Decisions in favor of Palestinian petitioners are rare. Rights groups often charge that such petitions are not adjudicated in a timely fashion and are sometimes dismissed without sufficient cause. The Israeli Supreme Court has repeatedly ordered changes in the route of the West Bank security barrier after hearing NGO and Palestinian petitions. By the end of 2008, the Ministry of Defense had altered or pledged to alter the route in response to three of six rulings.

Palestinians accused of broadly defined security offenses are tried in Israeli military courts, which grant some due process protections but limit rights to counsel, bail, and appeal. Administrative detention without charge or trial is widely used. Most convictions in Israeli military courts are based on confessions, sometimes obtained through coercion. In 2000, Israel outlawed the use of torture to extract security information, but milder forms of coercion are permissible when the prisoner is believed to have vital information about impending terrorist attacks. Human rights groups criticize Israel for continuing to engage in what they consider torture. In 2007, human rights groups B'Tselem and the HaMoked Center reported that Palestinian prisoners are held in terrible conditions and are subject to abusive interrogation techniques. The government disputed the accuracy of the report.

Israel holds approximately 9,800 Palestinians in jail. It frequently releases prisoners in the context of peace negotiations or mutual exchanges; in 2007 and 2008, over 1,000 were released, almost all belonging to factions of Fatah. Israel arrested over 30 PA lawmakers in 2007, nearly all of them members of Hamas. In August 2008, Hamas leader Omar Abdelrazek—a former PA finance minister—was released from prison after two years in custody.

According to B'Tselem, in November 2008, Israeli security forces had killed more than 4,757 Palestinians in the West Bank and Gaza since the beginning of the second intifada, about 47 percent of whom were civilians and/or noncombatants and about 20 percent of whom were minors. About 500 Israelis have been killed in the territories during that same period, about 50 percent of whom were civilians. According to the BBC, over 350 Palestinians had been killed in the renewed fighting between Hamas and Israel in December 2008, along with 4 Israelis. Violence between Palestinians and Israeli settlers is not uncommon. There was an increase in beatings and other assaults by settlers on Palestinians, Palestinian property, and even Israeli soldiers during 2008, and rights groups accused authorities of failing to adequately prosecute settlers.

Israel continues to man 35 external and 58 internal checkpoints in the West Bank, and has constructed over 460 roadblocks. These measures impose extensive delays on local travel and restrict Palestinian access to jobs, hospitals, and schools. Israel's security barrier has also cut off many Palestinians from their farms and other parts of the West Bank. All West Bank and Gaza residents must have identification cards to obtain entry permits to Israel, including East Jerusalem. Israel often denies permits without explanation. In September 2008, B'Tselem and HaMoked accused the government of stepping up enforcement of residency-permit requirements in order to deport hundreds of Gazans from the West Bank.



While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they have full access to universities and to many professions. Palestinian societal norms, derived in part from Sharia (Islamic law), put women at a disadvantage in matters of marriage, divorce, and inheritance. Rape, domestic abuse, and "honor killings," in which unmarried women who are raped or who engage in premarital sex are murdered by a relative, are not uncommon; these murders often go unpunished.

## ↓ Israel Palestinian Authority- Administered Territories

**Population:** 4,013,000  
(Gaza: 1,552,000; West Bank: 2,461,000)

**Political Rights:** 5  
**Civil Liberties:** 6  
**Status:** Not Free



**Trend Arrow:** The Palestinian Authority-administered territories received a downward trend arrow due to crackdowns by Hamas on Fatah in Gaza, as well as crackdowns by Fatah on Hamas in the West Bank, with the use of violence and torture during arrests and interrogations by both sides.

*Note:* The areas and total number of persons under Palestinian jurisdiction changed periodically during the year as a result of the fluid nature of Israel's military presence and activities in the West Bank and Gaza Strip.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
5,6NF	5,6NF	5,6NF	5,6NF	5,6NF	5,6NF	5,5PF	4,6PF	5,6NF	5,6NF

### Overview:

The 2007 fracturing of the Palestinian Authority between the Hamas-controlled Gaza Strip and a Fatah-led government in the West Bank deepened in 2008. Each side cracked down on the other in its area of control, as well as on both affiliated and independent civic organizations, particularly in Gaza. Peace negotiations between the West Bank-based Palestinian Authority and Israel stalled in the latter part of the year, and major fighting between Israel and Hamas in the Gaza Strip erupted in December after a six-month truce expired.

In the 1967 Six-Day War, Israel occupied the Sinai Peninsula, the West Bank, the Gaza Strip, East Jerusalem, and the Golan Heights. It annexed East Jerusalem in that year and the Golan Heights in 1981, though the Sinai was returned to Egypt. In what

became known as the *intifada* (uprising), Palestinians living in the West Bank and Gaza began attacking mainly military targets in 1987 to protest Israeli rule. Israel and Yasser Arafat's Palestine Liberation Organization (PLO) reached an agreement in 1993 that provided for Israeli troop withdrawals and gradual Palestinian autonomy in the West Bank and Gaza in exchange for recognition of Israel and an end to Palestinian terrorism. The resulting Palestinian Authority (PA) subsequently obtained full or partial control of up to 40 percent of the West Bank, more than 50 percent of the Gaza Strip, and 98 percent of the Palestinian population.

Far-reaching negotiations under U.S. sponsorship in 2000 and early 2001 failed to produce a final settlement on a Palestinian state. Meanwhile, a second intifada had begun in September 2000, and violence flared throughout the occupied territories. Rightist leader Ariel Sharon was elected Israeli prime minister in February 2001. Insisting that the PA was not preventing terrorism, his government responded to Palestinian suicide bombings by staging raids into PA territory. The operations targeted Islamist and secular militant groups but also caused the deaths of many civilians.

In April 2003, Israel and the Palestinians agreed to abide by a "road map" to peace put forward by the United States, Russia, the United Nations, and the European Union (EU). The plan called for coordinated Palestinian and Israeli steps toward peace and the eventual creation of an independent Palestinian state.

A PA presidential election was held in January 2005 to replace Arafat, who had died in November 2004. The election, repeatedly postponed during Arafat's rule, was the second in the PA's history; the first voting for president and the Palestinian Legislative Council (PLC) had taken place in 1996. Mahmoud Abbas of Arafat's Fatah faction won the 2005 contest with 62 percent of the vote. In subsequent municipal voting in Gaza, the Islamist group Hamas won 77 out of 118 seats in 10 districts, to Fatah's 26 seats. In a second round of West Bank and Gaza municipal voting, Fatah won most municipalities, but Hamas posted impressive gains. Each group accused the other of fraud, and there was some election-related violence. Later that year, Israel unilaterally pulled all Jewish settlers out of Gaza, giving the PA full control within the territory.

Elections for the PLC, which Abbas had postponed in 2005, were held in January 2006. Hamas won 74 of 132 seats, while Fatah won just 45. The results allowed Hamas to form a government without Fatah support. Israel, the United States, and the EU refused to recognize the Hamas-led government, citing the group's involvement in terrorism and its refusal to recognize Israel or past Israel-PA agreements. The United States and the EU, then the largest donors to the PA, cut off assistance to the government.

After Hamas's ascent to power, armed clashes frequently broke out between Hamas and Fatah supporters. In 2007, fighting between the rivals accelerated, particularly in Gaza, a Hamas stronghold. The violence persisted despite an agreement between Abbas and Prime Minister Ismail Haniya of Hamas to form a "national unity" government. In June, Hamas militants successfully took over Fatah-controlled paramilitary bases and government buildings in Gaza and drove most Fatah militants to the West Bank. Thousands of Gazans, particularly those loyal to Fatah, fled the territory during the fighting. Abbas subsequently dismissed the Hamas-led government, declared a state of emergency, and accused Hamas of staging a coup in Gaza. He appointed an emergency cabinet led by former finance minister Salam Fayad.

These events left a bifurcated PA, with Haniya and Hamas governing Gaza and Abbas and Fayad governing the Palestinian-administered areas of the West Bank, which amounted to roughly 40 percent of that territory.

In 2008, Hamas and Fatah engaged in reciprocal crackdowns in their respective territories, though the effort was more extensive in Gaza. In July, a series of explosions in Gaza prompted Hamas forces—led by the Internal Security Force and the Qassam Brigade—to arrest hundreds of Fatah members and supporters. While most were soon released, a report by Human Rights Watch (HRW) indicated that detainees were beaten and, in some cases, tortured. In addition, over 100 civic associations—including many that were unaffiliated with Fatah—were shut down. In the West Bank, Fatah forces—led by the Preventative Security Services (PSS) and the General Intelligence Service Unit—arrested hundreds of Hamas supporters and shut down affiliated organizations and media. HRW also reported incidents of torture in the West Bank.

Fayad's Hamas-free government in the West Bank has benefited from renewed U.S. and EU aid flows as well as tax revenues released by Israeli authorities. Peace negotiations between Israel and Abbas also accelerated following the fracturing of the PA, but despite a series of confidence-building measures—including the release of hundreds of Palestinian prisoners held in Israel and the wider deployment of Palestinian security forces in the West Bank—the parties remained far from completing final-status negotiations by the end of 2008 (the deadline set at a U.S.-backed conference in 2007). As part of the talks, the PA took on more security responsibility in the West Bank, deploying 600 troops to the city of Jenin in March 2008.

Meanwhile, the Hamas-led Gaza Strip had suffered from an Israeli economic blockade since the June 2007 PA rupture. Israel had declared the Gaza Strip a "hostile entity" in response to the continued barrage of Qassam rockets. During the latter half of 2007, it allowed food deliveries across the border but shut off almost all fuel supplies, leaving most residents with only sporadic electricity. Responding to legal challenges, the Israeli Supreme Court ruled that the government could continue to restrict fuel supplies as a legal economic sanction against Hamas but had to do more to ensure a minimal humanitarian impact.

Israel maintained its blockade of Gaza in 2008, allowing only occasional movement of fuel and supplies into the territory. In January, Hamas militants blew holes in the border barrier between Egypt and Gaza, leading hundreds of thousands of Gazans to cross into Egypt to buy supplies; the holes were sealed about a week later. Arms and goods were also regularly smuggled through a developing tunnel network between Egypt and Gaza. The blockade was eased after Hamas and Israel reached agreement on a six-month truce in June, with more commercial goods entering Gaza.

However, the expiration of the truce in December saw major fighting erupt between Hamas and Israel and a more stringent Israeli blockade. Hamas resumed and ramped up its rocket bombardment of Israel, and the IDF launched a major campaign of airstrikes in Gaza, preparing the way for a possible ground invasion. While Hamas's indiscriminate attacks on civilian targets were condemned by human rights groups and other observers, the IDF bombing revived long-standing complaints that Israel's tactics caused many Palestinian civilian casualties, destroyed civilian infrastructure, and inflicted "collective punishment" on Gazans; according to the BBC, over 350

Palestinians had been killed in the fighting by year's end, along with 4 Israelis. Israeli authorities argued that their actions were necessary to protect Israeli civilians, and that Palestinian civilian casualties were caused by Hamas and other militant groups' use of civilian areas to stage and prepare attacks.

**Political Rights and Civil Liberties:** The Palestinian Authority (PA) president is elected to five-year terms, and international observers judged the 2005 presidential election to be generally free and fair. The unicameral Palestinian Legislative Council (PLC) was expanded from 88 to 132 representatives ahead of the legislative elections in 2006; PLC members serve four-year terms. The prime minister is nominated by the president. Under agreements with Israel, the PLC has no real authority over borders or defense policy. Laws governing Palestinians in the occupied territories derive from Ottoman, British Mandate, Jordanian, Egyptian, and PA law, as well as Israeli military orders.

In the January 2006 PLC elections, at least five parties competed in addition to the dominant Hamas and Fatah. The armed faction Islamic Jihad did not participate and urged its followers to boycott the vote. While the elections were deemed largely fair by international observers, there were credible reports of PA resources being used for the benefit of Fatah candidates, as well as campaigning by Hamas candidates in mosques, in violation of the PA's electoral rules. Some voters reported encountering difficulty in reaching polling stations because of Israeli roadblocks, though Israel was generally credited with allowing relatively free access during the elections.

The fracturing of the PA between the Hamas-controlled Gaza Strip and the Fatah-controlled West Bank in 2007 resulted in a decline in political rights, as elected officials on both sides were prevented from holding office and performing their duties. Hamas forcibly expelled Fatah officials from the Gaza Strip, while President Mahmoud Abbas appointed a new PA cabinet in the West Bank, creating an unelected authority in that territory. In 2008, Hamas forces in Gaza arrested hundreds of Fatah members and supporters and shut down the Fatah office in northern Gaza, while in the West Bank, forces aligned with President Abbas arrested hundreds of Hamas members and supporters.

Palestinian residents of the West Bank, Gaza, and East Jerusalem do not have the right to vote in national elections in Israel. Arabs in East Jerusalem who hold Israeli identity cards can vote in the city's municipal elections and in PA elections. However, ahead of the 2006 PLC polls, Israeli authorities restricted campaigning in East Jerusalem to parties that registered with the Israeli police, effectively excluding Hamas.

Transparency and the consolidation of PA finances became priorities in the wake of Yasser Arafat's death in 2004, due to rampant corruption during his presidency. Abbas instituted budget controls, ended the old system of cash handouts to political loyalists and members of security services, and launched a widespread corruption probe in 2005. While the Hamas-led government that took control following the 2006 PLC elections expressed a willingness to subject itself to budgetary oversight, many foreign governments were nonetheless reluctant to contribute money out of concern that it would be used for terrorist operations. Prime Minister Salam Fayad, who was appointed by Abbas after the PA schism in 2007, is highly regarded for his commitment to transparent government. Transparency International did not rank Palestine in its 2008 Corruption Perceptions Index.

A 1996 law passed by the PLC that guarantees freedom of expression has yet to be ratified, and the media are not free in the West Bank and Gaza. Under a 1995 press law, journalists may be fined and jailed, and newspapers closed, for publishing "secret information" on PA security forces or news that might harm national unity or incite violence. However, another press law stipulates that intelligence services do not reserve the right to interrogate, detain, or arrest journalists on the basis of their work. Several small media outlets are routinely pressured to provide favorable coverage of the PA, Fatah, or Hamas. Journalists who criticize the PA or the dominant factions face arbitrary arrests, threats, and physical abuse. The upsurge in fighting between Hamas and Fatah featured increased attacks on journalists in PA-controlled areas and the shutdown of several media outlets. In 2007, Hamas gunmen raided the Gaza office of the Palestinian Journalists' Syndicate; the union was subsequently dissolved in the territory. Hamas later banned all journalists not accredited by its Information Ministry, closed down Gaza outlets that were not affiliated with Hamas, and began enforcing the restrictive 1995 PA press law. In 2008, the several Hamas-affiliated radio stations in the West Bank were shut down by both Fatah force and Israeli authorities. In March, the editor of the Ramattan news agency, Nawafal-Amer, was arrested by the PSS and accused of secretly working for Hamas; he was soon released. The state-run Palestinian Broadcasting Corporation was an occasional target of Hamas gunmen in Gaza. No journalists were kidnapped in Gaza or the West Bank in 2008, halting a recent trend; several journalists have been abducted by militants over the course of the current intifada. According to Internet World Statistics, 243,000 Palestinians had access to the internet as of 2006.

The PA generally respects freedom of religion, though no law specifically protects religious expression. The basic law declares Islam to be the official religion of Palestine and also states that "respect and sanctity of all other heavenly religions [Judaism and Christianity] shall be maintained." Personal status law, which governs marriage and divorce, is based on religious law; for Muslims, it is derived from Sharia (Islamic law), and for Christians, from ecclesiastical courts. Some Palestinian Christians have experienced intimidation and harassment by radical Islamist groups and PA officials. Since the fracturing of the PA, Hamas-controlled security forces and militants have increasingly harassed Muslim worshippers at non-Hamas-affiliated mosques in Gaza, while Fatah-controlled authorities have directed similar pressure at Hamas-affiliated religious bodies.

The PA has authority over all levels of education. Some Palestinian schools teach hatred of Israel. Israeli military closures, curfews, and the West Bank security barrier restrict access to Palestinian academic institutions. Israeli authorities have at times shut universities, and schools have been damaged during military operations. Throughout the intifada, schoolchildren have periodically been injured or killed during fighting.

The PA requires permits for rallies and demonstrations and prohibits violence and racist sloganeering. Nevertheless, large rallies, often marked by violent rhetoric, are regular occurrences in Palestinian areas. Following the Hamas takeover of Gaza in 2007, freedoms of assembly and association were significantly restricted there, with security forces forcibly dispersing public gatherings of Fatah and other groups and killing a number of people. There are a broad range of Palestinian nongovernmental organizations and civic groups, and Hamas itself operates a large network

that provides social services to certain Palestinians. However, many civic associations were shut down for political reasons in both the West Bank and Gaza in 2008.

Labor affairs in the West Bank and Gaza are governed by a combination of Jordanian law and PA decisions. Workers may establish and join unions without government authorization. Palestinian workers seeking to strike must submit to arbitration by the PA Labor Ministry. There are no laws in the PA-ruled areas to protect the rights of striking workers. Palestinian workers in Jerusalem are subject to Israeli labor law.

The judicial system is not independent. Palestinian judges lack proper training and experience. In 2007, Abbas ordered judges to boycott judicial bodies in Gaza, and Hamas began appointing new prosecutors and judges in 2008. Israeli demands for a crackdown on terrorism have given rise to state security courts, which lack almost all due process rights. There are reportedly hundreds of administrative detainees currently in Palestinian jails and detention centers. The same courts are also used to try those suspected of collaborating with Israel or accused of drug trafficking. Defendants are not granted the right to appeal sentences and are often summarily tried and sentenced to death. According to the Palestinian Human Rights Monitoring Group, alleged collaborators are routinely tortured in Palestinian jails and denied the right to defend themselves in court. These practices are not prohibited under Palestinian law.

Armed factions continued to exercise de facto rule over significant portions of PA-administered areas in 2008. News reports identified at least five autonomous armed militias operating in PA territory; frequent and violent clashes occurred between Hamas and Fatah gunmen. Violence between Palestinians and Israeli settlers in the West Bank is common.

The intifada and Israeli restrictions have exacted a serious toll on the Palestinian economy in recent years. Citing security concerns, Israel barred most Gazan workers from entering Israel beginning in March 2006. Israel has traditionally been the primary market for Gazan goods. Following the Hamas takeover of the Gaza Strip in June 2007, Israel sealed its borders with the territory, although food deliveries were allowed to continue. The halt to almost all fuel deliveries to Gaza left most residents with only sporadic electricity. The temporary breakdown in Egypt-Gaza border controls in early 2008 allowed an influx of supplies, and goods have also been smuggled through tunnel networks. Israeli border restrictions eased somewhat following the Israel-Hamas ceasefire in June, but were made even more stringent following the outbreak of major fighting between Hamas and Israel in late December.

While Palestinian women are underrepresented in most professions and encounter discrimination in employment, they have fuller access to higher education. A political quota system was instituted in 2005, mandating that women be represented on each party's list for PLC elections. Personal status law, derived in part from Sharia, puts women at a disadvantage in matters of marriage, divorce, and inheritance. Rape, domestic abuse, and "honor killings," in which women who are raped or engage in extramarital sex are murdered by a relative, are not uncommon. These murders often go unpunished. HRW reported in November 2006 that women's treatment in instances of rape or abuse is increasingly determined by tribal leaders or PA-appointed governors, and not by the courts, a situation that HRW said leads to arbitrary decisions. In 2007, the PA Ministry of Women's Affairs found that legal options for victims of domestic abuse were extremely limited.

## Moldova Transnistria

Population: 700,000

Political Rights: 6  
Civil Liberties: 6  
Status: Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF	6,6NF

### Overview:

Russian and Moldovan officials continued their informal, bilateral negotiations on a final settlement of Transnistria's status in 2008. Transnistrian president Igor Smirnov met directly with Moldovan president Vladimir Voronin in April and again in December. Voronin was pressing Moscow to accept a deal that would give Transnistria substantial autonomy within Moldova, among other concessions, in exchange for the withdrawal of Russian troops.

The Pridnestrovskiaia Moldavskaia Republica (PMR), bounded by the Dniester River to the west and the Ukrainian border to the east, is a breakaway region in eastern Moldova with a large population of ethnic Russians and ethnic Ukrainians. In the rest of Moldova, where the dominant language is nearly identical to Romanian, the separatist region is called Transnistria. It was attached to the territory that became Moldova when the borders were redrawn under Soviet leader Joseph Stalin in 1940. As the Soviet Union began to collapse in 1990, pro-Russian separatists in Transnistria, fearing that Moldova would join neighboring Romania, declared independence from Moldova and established the PMR under an authoritarian presidential system.

With weapons and other assistance from the Russian army, the PMR leadership fought a military conflict with Moldova that ended with a 1992 ceasefire. A new Moldovan constitution in 1994 gave the territory substantial autonomy, but the conflict remained unresolved, and the separatist regime maintained a de facto independence that was not recognized internationally. The Organization for Security and Cooperation in Europe (OSCE), Russia, and Ukraine have attempted to mediate a final settlement between Moldova and the PMR. In 2005, the United States and the European Union (EU) were invited to join the negotiations as observers, creating the so-called 5+2 format.

The lingering presence in Transnistria of hundreds of Russian soldiers and a supply of Russian weapons has further complicated matters. Despite a 1999 pledge to withdraw its forces by 2002, Russia has resisted pulling out until a final settlement is reached. Moldovan president Vladimir Voronin and the Moldovan Parliament have both called for the soldiers to be withdrawn.

Moldova rejected a Russian-backed federalization plan in November 2003 after it drew public protests. The latest round of formal multilateral talks collapsed in early 2006, and Transnistrian referendum voters in September 2006 overwhelmingly backed a course of independence with the goal of eventually joining Russia, although the legitimacy of the vote was not recognized by Moldova or the international community.

In the absence of active 5+2 negotiations, Voronin pursued bilateral talks with Russia and took a number of steps to bring Moldova's foreign policy into line with the Kremlin's. For much of 2008, he urged Russia to accept a proposal whereby Transnistria would receive substantial autonomy within Moldova, a strong and unitary presence in the Moldovan Parliament, and the right to secede if Moldova were to unite with Romania in the future. Russian property rights would be respected, and Russian troops would be replaced by civilian observers. Voronin defended his separate "consultations" with Russia by saying that any settlement would be finalized in the 5+2 format.

The Transnistria issue took on an added degree of urgency in August 2008, after Russia fought a brief conflict with Georgia and recognized the independence of two breakaway regions there. Russian officials said they had no plans to recognize the PMR, but warned Moldova not to adopt Georgia's confrontational stance. The Moldovan government in turn rejected any comparison and repeated its commitment to peaceful negotiations. Some experts expressed concerns that Russia could impose a harsh settlement on Moldova in the bilateral talks and then recognize the PMR if the plan were rejected.

Transnistrian president Igor Smirnov's relations with Voronin remained tense throughout the year, as the Moldovan leader effectively negotiated over Smirnov's head and expressed clear frustration with the PMR leadership. The two men met in April for the first time since 2001, then again in December. Days after the April meeting, Romanian president Traian Basescu indirectly raised the prospect of a partition in which Ukraine would absorb Transnistria and Romania would annex Moldova proper, prompting Voronin to accuse him of sabotaging the negotiations. Meanwhile, Russian president Dmitri Medvedev met with Voronin and Smirnov separately during the year.

Commentators have pointed out that Transnistria has little economic incentive to join Moldova, Europe's poorest country. Most of Moldova's industrial infrastructure is within Transnistria's borders, although economic isolation limits its potential. Ukraine in early 2006 agreed to require that all goods imported from Transnistria be cleared by Moldovan customs officers, and the EU has established a program to help Ukraine control smuggling along the Transnistrian border.

**Political Rights  
and Civil Liberties:**

Residents of Transnistria cannot elect their leaders democratically, and they are unable to participate freely in Moldovan elections. While the PMR maintains its own legislative, executive, and judicial branches of government, no country recognizes its independence. Both the president and the 43-seat, unicameral Supreme Council are elected to five-year terms. Having won reelection in December 2006 with 82 percent of the vote, Igor Smirnov is now serving his fourth term as president, and he has said that he will not step down until Transnistria is independent. The international community has generally considered the presidential and parliamentary elections held since 1992 to be neither free nor fair, although they have not been monitored.



Opposition presidential candidates have often been barred from participating on technical grounds. In December 2005 parliamentary elections, the opposition group Obnovlenye (Renewal)—backed by Transnistria's dominant business conglomerate, Sheriff Enterprises—won 23 of the 43 seats, defeating Smirnov's ruling Respublica Party, which took 13. Obnovlenye leader Yevgeny Shevchuk seeks business-oriented reforms and has been accused of taking a softer line on Moldova, but his party supports PMR independence. Shevchuk became Speaker of Parliament after the elections, but the Parliament has traditionally held very little power. Native Moldovan speakers are not represented in government and are under constant political pressure. PMR authorities prevented voters in the village of Corjova, which recognizes the Moldovan government, from participating in Moldova's June 2007 local elections. A Corjova mayoral candidate was arrested before the vote, apparently for possession of Moldovan electoral documents.

Corruption and organized crime are serious problems in Transnistria. The authorities are entrenched in the territory's economic activities, which rely in large part on smuggling schemes designed to evade Moldovan and Ukrainian import taxes. Russia has a growing stake in the Transnistrian economy and supports the PMR through loans, direct subsidies, and low-cost natural gas. Transnistria is not listed separately on Transparency International's 2008 Corruption Perceptions Index.

The media environment is restrictive. Nearly all media are state owned or controlled and do not criticize the authorities. The few independent print outlets have small circulations. Critical reporting draws harassment by the authorities, who also use tactics such as bureaucratic obstruction and the withholding of information to inhibit independent media. The *Individual and His Rights*, an independent newspaper, has experienced intimidation and violent attacks. Journalists exercise a certain amount of self-censorship. Sheriff Enterprises dominates the limited private broadcasting, cable television, and internet access. There were no reports of censorship of internet content.

Religious freedom is restricted. Orthodox Christianity is the dominant faith, and authorities have denied registration to several smaller religious groups, at times in defiance of court decisions. Other court rulings in favor of minority faiths have been routinely overturned. Unregistered groups, including Jehovah's Witnesses and Pentecostals, have difficulty renting space for prayer meetings and face harassment by police and Orthodox opponents.

Although several thousand students study Moldovan using the Latin script, this practice is restricted. The Moldovan language and Latin alphabet are associated with support for unity with Moldova, while Russian and the Cyrillic alphabet are associated with separatist goals. Parents who send their children to schools using Latin script, and the schools themselves, have faced routine harassment from the security services.

The authorities severely restrict freedom of assembly and rarely issue required permits for public protests. Freedom of association is similarly circumscribed. All nongovernmental activities must be coordinated with local authorities, and groups that do not comply face harassment, including visits from security officials. In 2006, authorities banned foreign financing for nongovernmental groups involved in political activity. The region's trade unions are holdovers from the Soviet era, and the United Council of Labor Collectives works closely with the government.

The judiciary is subservient to the executive and generally implements the will of the authorities. Defendants do not receive fair trials, and the legal framework falls short of international standards. Politically motivated arrests and detentions are common. Human rights groups have received accounts of torture in custody. Prison conditions are considered harsh, and the facilities are severely overcrowded. Military conscripts have reportedly been mistreated, and at least two died in 2008. In June 2007, PMR officials released the last two of a group of four men regarded internationally as political prisoners. They were members of the Christian Democratic People's Party who opposed Transnistrian independence and had been held as terrorists since 1992, reportedly enduring torture and regular beatings. The first two of the four had been released in 2001 and 2004, and the European Court of Human Rights had ordered the remaining men to be freed as well.

Authorities discriminate against ethnic Moldovans, who make up about 40 percent of the population. It is believed that ethnic Russians and Ukrainians together comprise a slim majority, and as many as a third of the region's residents reportedly hold Russian passports.

Domestic violence against women is a problem, and women are underrepresented in most positions of authority. Transnistria is a significant source and transit point for trafficking in women for the purpose of prostitution. Homosexuality is illegal in Transnistria.

## Morocco Western Sahara

Population: 500,000

Political Rights: 7

Civil Liberties: 6

Status: Not Free



### Ten-Year Ratings Timeline For Year Under Review

#### Political Rights, Civil Liberties, Status

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF	7,6NF

### Overview:

In 2008, the pro-independence Polisario Front and the Moroccan government continued to hold talks on Western Sahara's fate. In November, King Mohammed VI announced that Morocco would pursue a "decentralization" plan for the territory in a manner that would not adversely affect Morocco's territorial integrity. Meanwhile, the situation on the ground for Sahrawis remained largely unchanged from previous years.

Western Sahara was ruled by Spain for nearly a century until Spanish troops withdrew in 1976, following a bloody guerrilla conflict with the pro-independence

Popular Front for the Liberation of Saguia el-Hamra and Rio de Oro (Polisario Front). Mauritania and Morocco both ignored Sahrawi aspirations and claimed the resource-rich region for themselves, agreeing to a partition in which Morocco received the northern two-thirds. However, the Polisario proclaimed an independent Sahrawi Arab Democratic Republic and continued its guerrilla campaign. Mauritania renounced its claim to the region in 1979, and Morocco filled the vacuum by annexing the entire territory.

Moroccan and Polisario forces engaged in a low-intensity armed conflict until the United Nations brokered a ceasefire in 1991. The agreement called for the residents of Western Sahara to vote in a referendum on independence the following year, to be supervised by the newly established UN Mission for a Referendum in Western Sahara (MINURSO). However, the vote never took place, with the two sides failing to agree on voter eligibility.

Morocco tried to bolster its annexation by offering financial incentives for Moroccans to move to Western Sahara and for Sahrawis to move to Morocco. The Moroccan monarch visited the territory repeatedly and made declarative speeches about its historical connection to his kingdom. Morocco has also used more coercive measures to assert its control, engaging in forced resettlements of Sahrawis and long-term detention and "disappearances" of pro-independence activists. The Moroccan government's conduct in recent years has been less oppressive, but its overall human rights record with regard to the Western Sahara occupation remains poor.

In 2004, the Polisario accepted the UN Security Council's Baker II plan (named after former UN special envoy and U.S. secretary of state James Baker), which called for up to five years of autonomy followed by a referendum on the territory's status. Morocco, however, rejected the plan, and Baker himself has said that Rabat is not interested in implementing any plan that could eventually lead to independence.

In 2007, Morocco offered an autonomy plan as an alternative to the scuttled Baker proposal, apparently attempting to demonstrate its willingness to compromise. However, it continued to rule out independence, even as the Polisario remained committed to an eventual referendum on the question. Because of this impasse, the two sides failed to make meaningful progress in four rounds of talks that started in 2007 and stretched into 2008; additional negotiations were planned for 2009. In November 2008, King Mohammed VI announced that Morocco would pursue a "decentralization" plan for the territory in a manner that would not adversely affect Morocco's territorial integrity, effectively reiterating the kingdom's opposition to Sahrawi independence. A UN Security Council resolution adopted in April 2008 extended the MINURSO mandate until April 30, 2009, and reiterated the council's commitment to a mutually agreeable solution.

### **Political Rights and Civil Liberties:**

As the occupying force in Western Sahara, Morocco controls local elections and works to ensure that independence-minded leaders are excluded from both the local political process and the Moroccan Parliament.

Western Sahara is not listed separately on Transparency International's Corruption Perceptions Index, but corruption is believed to be at least as much of a problem as it is in Morocco.

According to the Moroccan constitution, the press is free, but this is not the

case in practice. There is little in the way of independent Sahrawi media. Moroccan authorities are sensitive to any reporting that is not in line with the state's official position on Western Sahara, and they continue to expel or detain Sahrawi, Moroccan, and foreign reporters who write critically on the issue. Online media and independent satellite broadcasts are largely unavailable to the impoverished population.

Nearly all Sahrawis are Sunni Muslims, as are most Moroccans, and Moroccan authorities generally do not interfere with their freedom of worship. There are no major universities or institutions of higher learning in Western Sahara.

Sahrawis are not permitted to form independent political or nongovernmental organizations, and their freedom of assembly is severely restricted. In 2008, Sahrawi activists continued to be harassed and at times detained and tortured by Moroccan authorities, in a seemingly arbitrary fashion. Among the year's cases was a violent attack on Dadach Sidi Mohamed, a prominent Sahrawi human rights defender. On June 17, he was severely beaten on the streets of Al-Aaiun by over a dozen men who were allegedly members of the Moroccan state security apparatus. The Coalition of Sahrawi Human Rights Defenders (CODESA), which had operated outside the bounds of Moroccan law for six years, was again denied legal recognition by the state in 2008. In October, Moroccan authorities prevented activists from holding the organization's conference in Al-Aaiun. In November, members voted to create an executive office and an administrative committee for the organization. The executive office elected a prominent Sahrawi activist as its leader.

Moroccan authorities regularly use force when quelling demonstrations and riots in Sahrawi towns and villages. In October 2008, security forces surrounded the homes of the mothers of 15 men who had been "disappeared" in previous years, and prevented them from organizing a demonstration scheduled to coincide with a visit to Al-Aaiun by the Moroccan justice minister. They were similarly prevented from appearing at any of the events he attended. Also that month, pro-independence and human rights activists faced renewed harassment, including the placement of a cordon around a neighborhood in Al-Aaiun that is home to many prominent activists. The town of Al-Samara witnessed similar events in October, when government forces violently dispersed a demonstration, resulting in injuries to civilians, including multiple women and children. During the demonstration and its aftermath, participating activists were beaten and detained, and many had their homes searched; at least one was dismissed from his government job without explanation.

Sahrawis are technically subject to Moroccan labor laws, but there is little organized labor activity in the resource-rich but poverty-stricken territory. A demonstration by unemployed Sahrawis in the town of Boujdour in October 2008 was broken up by Moroccan forces, leaving many protesters severely injured.

Particularly during the 1961-99 reign of Morocco's King Hassan II, Sahrawis who opposed the regime were summarily detained, killed, tortured, and "disappeared" by the thousands. While the situation has improved dramatically since the 1991 ceasefire and the coronation of King Mohammed VI in 1999, pro-independence Sahrawis are still detained, harassed, threatened, and in some cases tortured.

International human rights groups have criticized Morocco's human rights record in Western Sahara for decades. A highly critical September 2006 report by the UN High Commissioner for Human Rights—intended to be distributed only to Algeria, Morocco, and the Polisario—was leaked to the press that October. The human rights

situation in the territory tends to worsen during periods of increased demonstrations against Moroccan rule, as was the case in 2005. For its part, the Polisario has also been accused of disregarding human rights.

Morocco and the Polisario both restrict free movement in potential conflict areas. Morocco has been accused of using force and financial incentives to alter the composition of Western Sahara's population.

Sahrawi women face much of the same cultural and legal discrimination as Moroccan women. Conditions are generally worse for women living in rural areas, where poverty and illiteracy rates are higher.

## Pakistan Kashmir

**Population:** 5,100,000

**Political Rights:** 6\*

**Civil Liberties:** 5

**Status:** Not Free



**Ratings Change:** Pakistani-controlled Kashmir's political rights rating improved from 7 to 6 due to the end of military rule in Pakistan as well as the transformation of the Northern Areas Legislative Council into the Northern Areas Legislative Assembly, which was given modestly increased legislative, fiscal, and budgetary powers.

### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

#### Overview:

**The end of military rule and election of a civilian administration in Pakistan in February 2008 brought improvements in general political freedoms at the federal level. In addition, reforms proposed by former president Pervez Musharraf in late 2007 led to the transformation of the Northern Areas Legislative Council into an assembly with modestly expanded legislative, fiscal, and budgetary powers. Nevertheless, nationalist groups' demands for representation in the federal parliament remained unfulfilled. Progress on the dispute over Kashmir between India and Pakistan largely stalled after evidence pointed to the involvement of a Pakistan-based militant group in November 2008 terrorist attacks in Mumbai, India.**

When British India was partitioned into India and Pakistan in 1947, the Hindu maharajah of Jammu and Kashmir tried to maintain his principality's independence, but he eventually ceded it to India in return for autonomy and future self-determination. Within months, India and Pakistan went to war over the territory. As part of a

ceasefire in January 1949 that established the present-day boundaries, Pakistan gained control of roughly one-third of Jammu and Kashmir, but unlike India, it never formally annexed its portion. The Karachi Agreement of April 1949 divided Pakistani-administered Kashmir into two distinct entities—Azad (Free) Kashmir and the Northern Areas. Pakistan retained direct administrative control over the Northern Areas, while Azad Kashmir was given a larger degree of nominal self-government.

A legislative assembly was set up for Azad Kashmir in 1970, and the 1974 interim constitution established a parliamentary system headed by a president and a prime minister. Nevertheless, Islamabad's influence over the electoral process and governance of the region remained strong. Three rounds of elections have taken place for the assembly, though few observers considered them free and fair. The Azad Kashmir People's Party (AKPP) and the Muslim Conference (MC) are the two main parties contesting the leadership. In the 1996 elections, the AKPP emerged with a majority after the MC boycotted the voting amid accusations of fraud. In 2001, the MC won the elections, but within weeks, Pakistani leader General Pervez Musharraf installed his own choice of president, former general Sardar Muhammad Anwar Khan. In 2006, the MC again won a majority of the 41 directly elected seats, and MC candidate Raja Zulfikar Khan emerged as president. MC leader Sardar Attique Ahmed Khan became prime minister after receiving Musharraf's nomination.

The lack of political representation in the Northern Areas has fueled demands for both formal inclusion within Pakistan and self-determination. In 1999, the Pakistani Supreme Court directed the government to act within six months to give the Northern Areas an elected government with an independent judiciary and to extend fundamental rights to the area's residents. The Pakistani government then announced a package that provided for an appellate court and an expanded and renamed Northern Areas Legislative Council (NALC). Elections to the NALC were held in October 2004, but the body had few real fiscal and legislative powers. The court of appeals was established in 2005.

Nationalist and pro-independence groups continued to agitate for increased political representation. In October 2007, Musharraf proposed a number of reforms to the governance structure for the Northern Areas, but most groups rejected them as insufficient, saying they lacked a solid constitutional foundation and guarantees of judicial independence. These reforms were postponed due to the imposition of a state of emergency in Pakistan in November 2007, but they were implemented in 2008, yielding modest improvements in the balance of power between the territory and the federal government while leaving most authority in federal hands.

Talks between India and Pakistan over the ultimate status of Kashmir, as well as other confidence-building measures, have occurred regularly since a ceasefire was instituted in 2003. A bus service across the Line of Control (LOC) was launched in 2005, linking the capitals of Indian and Pakistani Kashmir and allowing some Kashmiri civilians to reunite with family members. In 2008, talks and periodic high-level meetings continued for much of the year, but little progress was made toward a comprehensive resolution to the dispute, particularly after Pakistani militants were deemed responsible for a November 2008 terrorist attack on the Indian city of Mumbai.

International aid agencies cited a marked improvement in relief efforts in 2007 and 2008 as Pakistani-administered Kashmir and surrounding areas struggled to recover from a major 2005 earthquake. At least 88,000 people had been killed, 100,000

were injured, and several million were left homeless, most of them in Pakistani Kashmir. Initial reconstruction efforts had been marred by allegations of corruption and political sensitivities that delayed assistance to those in need. The more recent gains came especially in the area of housing, but the rebuilding of schools and restoration of public services remained painfully slow, and inflation in the prices of building materials decreased the value of reconstruction grants to local residents.

**Political Rights and Civil Liberties:** The political rights of the residents of Pakistani-administered Kashmir remain severely limited, despite a number of improvements tied to the end of military rule and the election of a civilian government at the federal level in February 2008. Neither the Northern Areas nor Azad Kashmir has representation in Pakistan's national parliament.

The Northern Areas are directly administered by the Pakistani government under the Legal Framework Order of 1994; the region is not included in the Pakistani constitution and has no constitution of its own, meaning there is no fundamental guarantee of civil rights, democratic representation, or the separation of powers. Executive authority remains vested in the Minister for Kashmir affairs, a civil servant appointed by Islamabad who is not accountable to the legislature and who retains a veto over any possible legislation. Elections to the 36-seat Northern Areas Legislative Council (NALC)—of which 24 seats were filled through direct elections and six each were reserved for women and technocrats from each district—were held in 2004, with independent candidates and representatives of national political parties winning seats. In October 2007, Pakistani president Pervez Musharraf announced a package of reforms that would change the NALC into the Northern Areas Legislative Assembly (NALA), devolving some fiscal and legislative powers to locally elected politicians. The NALA would be empowered to legislate on 49 subjects and to vote on budgetary matters. The package would also allow for the election of a chief executive accountable to the NALA (until the next planned elections, the current deputy chief executive became the chief executive), but it would maintain federal control over the judiciary and the region's top executive post, as the Minister for Kashmir Affairs was newly designated as the "chairman" of the legislative assembly. The region would continue to be administered under the Legal Framework Order rather than a constitutional framework like in Azad Kashmir, thus still falling short of compliance with a 1999 Supreme Court ruling on the issue. While implementation of the reforms was delayed amid the political crisis that erupted in Pakistan in November 2007, they did take effect in 2008. While the changes were a positive step in the right direction, the fact that the transformation took place without fresh elections for the assembly or leadership—coupled with the fact that much executive power remains in the hands of an unaccountable official—has led analysts such as the Islamabad-based Institute of Policy Studies to note that the changes appear to be largely ceremonial. In November, the NALA approved a plan calling for the Northern Areas to be renamed Gilgit-Baltistan; the proposal was passed on to the Pakistani government, which had not acted on it by year's end.

Azad Kashmir has an interim constitution, an elected unicameral assembly, a prime minister, and a president who is elected by the assembly. Both the president and the legislature serve five-year terms. Of the 49 assembly seats, 41 are filled through direct elections and 8 are reserved seats (5 for women and 1 each for repre-

sentatives of overseas Kashmiris, technocrats, and religious leaders). However, Pakistan exercises considerable control over the structures of government and electoral politics. Islamabad's approval is required to pass legislation, and the federal minister for Kashmir affairs handles the daily administration of the state and controls the budget. The Kashmir Council, which is comprised of joint representation from the federal government and regional assembly representatives and is chaired by the prime minister of Pakistan, also holds some executive, legislative, and judicial powers. The Pakistani military retains a guiding role on issues of politics and governance.

As detailed by Human Rights Watch (HRW) in a 2006 report, individuals and political parties who do not support Kashmir's accession to Pakistan are barred from the political process, government employment, and educational institutions. HRW noted that the 2006 Azad Kashmir legislative elections were flawed and "greeted with widespread charges of poll rigging by opposition political parties and independent analysts." However, unlike the 2001 elections, the polls featured few instances of physical violence and harassment—aside from threats—against candidates or their supporters, possibly because of the greater international presence in the wake of the 2005 earthquake. In general, antiaccession parties and individuals are subject to surveillance, harassment, and sometimes imprisonment by Pakistani intelligence and security services.

Azad Kashmir receives a large amount of financial aid from the Pakistani government, especially following the earthquake, but successive administrations have been tainted by corruption and incompetence. Aid agencies have also been accused of misusing funds meant for rebuilding schools and hospitals. A lack of official accountability has been identified as a key factor in the poor socioeconomic development of both Azad Kashmir and the Northern Areas. However, the region benefited in 2008 from improvements in accountability at the federal level and the transfer of some budgetary powers to the NALA. Pakistani-controlled Kashmir was not rated separately in Transparency International's 2008 Corruption Perceptions Index.

The Pakistani government uses the constitution and other laws to curb freedom of speech on a variety of subjects, including the status of Kashmir and incidents of sectarian violence. Media owners cannot publish newspapers and other periodicals in Azad Kashmir without permission from the Kashmir Council and the Ministry of Kashmir Affairs, and publications with a pro-independence slant are unlikely to receive such permission, according to the U.S. State Department. Several dailies and weeklies publish in the Northern Areas, mostly under the auspices of the K-2 publishing house, and provide for some scrutiny of official affairs. In recent years, authorities have banned several local newspapers from publishing and have detained or otherwise harassed Kashmiri journalists. In a review of media freedom covering 2008, the local nongovernmental organization (NGO) Intermedia reported that Azad Kashmir had a dozen instances of violations (including harassment of journalists, attacks on media properties, and gag orders), while the Northern Areas registered three instances, an improvement over 2007. In addition to official pressure, journalists have sometimes faced harassment and attacks from nonstate actors. Internet access is not usually restricted but remains confined to urban centers. Deliberately limited telephone and mobile-telephone access has been expanded since the 2005 earthquake. The presence of foreign media and aid organizations has also helped to partially open up the tightly controlled information environment.



Pakistan is an Islamic republic, and there are numerous restrictions on religious freedom. Religious minorities also face unofficial economic and societal discrimination and are occasionally subject to violent attack. Sectarian strife between Shiite Muslims, who form a majority in the Northern Areas, and the increasing number of Sunni Muslims, many of whom are migrants from elsewhere in Pakistan, continues to be a problem. The influx of non-Kashmiri Sunnis, with the tacit encouragement of the federal government and army, has led to dwindling economic opportunities for the local population. In 2008, the South Asia Terrorism Portal described the assassination of a government official and his family in Gilgit as a "suspected sectarian incident."

Freedoms of association and assembly are limited. Following a harsh crackdown on such freedoms across Pakistan in late 2007, restrictions returned to previous levels in 2008. The constitution of Azad Kashmir forbids individuals and political parties from taking part in activities that are prejudicial to the ideology of the state's accession to Pakistan. Police in recent years have regularly suppressed antigovernment demonstrations, sometimes violently, but there were no reports of deaths or lengthy detentions in 2008.

NGOs are generally able to operate freely. Programs run by the Aga Khan Foundation, an international development organization that focuses on members of the Ismaili sect of Shia Islam, have faced harassment and violence by Sunni extremist groups, but no such attacks were reported in 2008. The situation for labor rights in Pakistani-controlled Kashmir is similar to that in Pakistan.

Pakistani laws apply in the Northern Areas at the executive's approval, according to the U.S. State Department's human rights report. The judiciary is not empowered to hear cases concerning fundamental rights, contravention of the LFO, or cases against the executive. While the Northern Areas does have a three-member chief court to review lower court decisions, as well as a three-member appellate court that entertains appeals, all judicial appointments in the Northern Areas are based on three-year contracts subject to discretionary renewal by the bureaucracy instead of a judicial council, leaving the judiciary largely subservient to the executive. Meanwhile, the Supreme Court of Pakistan is not allowed to take up cases concerning the Northern Areas as they are considered to be outside its purview. Azad Kashmir has its own system of local magistrates and high courts, whose heads are appointed by the president of Azad Kashmir. Appeals are adjudicated by the Supreme Court of Pakistan. There are also Islamic judges who handle criminal cases concerning Islamic law. In April 2007, local lawyers protested the appointment of Justice Mohammad Reaz Akhtar Chaudhry to the Azad Kashmir Supreme Court over the court's most senior judge, Justice Manzoor Hussain Gilani, arguing that it violated constitutional conventions and rules of seniority. The newspaper *Dawn* reported that the Azad Kashmir Supreme Court rejected a petition by the lawyers challenging the appointment and ordered that future petitions of a similar nature not be entertained by the courts.

According to the independent Human Rights Commission of Pakistan, Pakistan's Inter-Services Intelligence operates throughout Azad Kashmir and the Northern Areas and engages in extensive surveillance (particularly of pro-independence groups and the press), as well as arbitrary arrests and detentions. In some instances, those detained by the security forces are tortured, and several cases of death in custody have been reported. Impunity for acts of torture and other mistreatment of civilians

by the military and intelligence services remains the norm. The territory also continues to be governed by the colonial-era Frontier Crimes Regulations, under which residents are required to report to local police stations once a month.

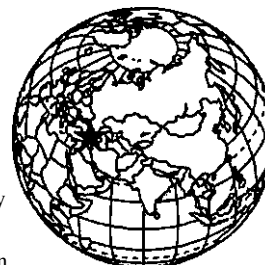
A number of Islamist militant groups, including those that receive patronage from the Pakistani military, operate from bases in Pakistani-administered Kashmir. Although infiltration into the Indian-controlled section has declined since 2004, neither the militant groups nor the Pakistani military has abandoned this practice altogether. In February 2007, under international pressure, law enforcement agencies took steps to curb Islamist activities in the region, closing the Gilgit offices of the Al-Akhtar Trust, listed by the United Nations as a financial facilitator for terrorist groups, including Al-Qaeda.

Tension between Islamist, pro-Pakistan groups and the pro-independence Kashmiri groups—as well as some local residents—has reportedly intensified in recent years. In June 2007, a land dispute broke out between villagers in Azad Kashmir and the Islamist organization Jamaat-ud-Dawa (JUD), an alternative name for the regrouped Lashkar-e-Taiba that was identified by the United States as a terrorist organization. Following the alleged torture of two men and the killing of a 17-year-old boy by JUD members, a mob burned down a temporary hospital the group had established after the 2005 earthquake. Sporadic instances of terrorist attacks and sectarian violence continued in 2008.

Several hundred families displaced by shelling between Indian and Pakistani forces around the LOC prior to the 2003 ceasefire remain unable to return to their homes and have largely been excluded from earthquake-related assistance schemes. The Azad Kashmir government manages relief camps for refugees from Indian-administered Kashmir, the bulk of whom arrived after the situation on the Indian side worsened in 1989. Many more of the refugees (roughly 1.5 million) live elsewhere in Azad Kashmir and throughout Pakistan.

The status of women in Pakistani-administered Kashmir is similar to that of women in Pakistan. While the HRCP reports that honor killings and rape occur less frequently than in Pakistan, domestic violence, forced marriage, and other forms of abuse continue to be issues of concern. Women are not granted equal rights under the law, and their educational opportunities and choice of marriage partner remain circumscribed. As in some parts of Pakistan, suspected Islamists occasionally mount attacks against NGOs that employ women and on their female employees.

## Russia Chechnya



**Population:** 1,200,000 (Source: United Nations Office for the Coordination of Humanitarian Affairs [OCHA] in the Russian Federation, 2007, Inter-Agency Transitional Workplan for the North Caucasus. The population of Chechnya according to the 2002 Russian census was approximately 1,100,000.)

**Political Rights:** 7

**Civil Liberties:** 7

**Status:** Not Free

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF	7,7NF

### Overview:

Although Chechen president Ramzan Kadyrov tightened his grip on power in 2008, he was unable to completely crush rebel groups, who continued to use violence indiscriminately against state and civilian targets. In September, an unidentified assassin killed one of Kadyrov's rivals in Moscow. In October, noncompetitive Chechen parliamentary elections replaced a bicameral pro-Kadyrov legislature with a unicameral one. Murders and disappearances continued unabated in neighboring Dagestan and Ingushetia, while Russia's August invasion of Georgia and subsequent recognition of independence for Abkhazia and South Ossetia further undermined stability in the Caucasus region.

Chechnya, a small, partly mountainous North Caucasus republic, has a history of armed resistance to Russian rule dating to the czarist period. In February 1944, the Chechens were deported en masse to Kazakhstan after Soviet leader Joseph Stalin accused them of collaborating with Nazi German forces. Officially rehabilitated in 1957 and allowed to return to their homeland, they remained politically suspect and were excluded from the region's administration.

After winning election as Chechnya's president in October 1991, former Soviet air force general Dzhokhar Dudayev proclaimed the republic's independence. Moscow responded with an economic blockade. In 1994, Russia began assisting Chechens opposed to Dudayev, whose rule was marked by growing corruption and the rise of powerful clans and criminal gangs. Russian president Boris Yeltsin sent 40,000 troops into Chechnya by mid-December of that year and attacked the capital, Grozny. As casualties mounted, Russian public opposition increased, fueled by criticism from much of the country's then independent media. In April 1996, Dudayev was killed by a Russian missile.

A peace deal signed in August 1996 resulted in the withdrawal of most Russian forces from Chechnya. However, a final settlement on the republic's status was put off until 2001. In May 1997, Russia and Chechnya reached an accord recognizing the newly elected president, Aslan Maskhadov, as Chechnya's legitimate leader. The elections were considered reasonably free and fair by outside observers, but Maskhadov proved to be an ineffective ruler, and the region degenerated into chaos.

Following incursions into neighboring Dagestan by renegade Chechen guerrillas and deadly apartment bombings in Russia that the Kremlin blamed on Chechen militants, Russian prime minister (and later president) Vladimir Putin launched a second military offensive in Chechnya in September 1999. Russian forces' indiscriminate bombing of civilian targets caused more than 200,000 people to flee Chechnya, with most heading to the neighboring Russian republic of Ingushetia. After federal troops finally captured Grozny in February 2000, the military focused on rebel strongholds in the mountainous south. Russian security sweeps led to regular atrocities in which civilians were beaten, raped, or killed, while Russian forces were subject to almost daily bombings and sniper attacks by rebels.

As the war persisted and atrocities increased, some Chechen fighters engaged in terrorist acts. A group of rebels stormed a Moscow theater in October 2002, resulting in the death of more than 120 hostages, most from the effects of a sedative gas that Russian troops used to incapacitate the assailants. In September 2004, the rebels attacked a school in Beslan, in the Russian republic of North Ossetia, leading to the deaths of more than 330 people, including numerous children.

A March 2003 referendum on a new Chechen constitution passed with 96 percent of the vote, amid 85 percent turnout, according to official results. However, an independent survey by the Russian human rights group Memorial found that 80 percent of the indigenous population opposed the referendum. Kremlin-backed candidate Akhmad Kadyrov won the Chechen presidency in an October 2003 election, though the Organization for Security and Cooperation in Europe (OSCE) said the poll had not offered voters a significant choice. Chechen rebels assassinated Kadyrov in a May 2004 stadium bombing.

Despite the subsequent election of Alu Alkhanov as president, *de facto* power shifted to Kadyrov's son, Ramzan Kadyrov, who could not become president until he turned 30 in 2006. Alkhanov resigned in February 2007, allowing Kadyrov, then the prime minister, to become acting president, and Putin confirmed him in office the following month. Kadyrov had support from some factions within the Kremlin but was clearly working to expand his own power base as well. He rebuilt central Grozny, adding a giant new mosque, and restored some municipal services; the efforts were financed by large federal subsidies and funds extorted from contractors and government workers. Despite assertions of stability under his rule, serious business activity remained absent, and the republic was still host to approximately 50,000 Russian troops and a 40,000 member security force under Kadyrov's control.

Kadyrov and his force of former rebel troops took over much of the fighting within Chechnya and largely quashed the secessionist guerrillas, while Russian forces helped to kill the key leaders. Nevertheless, the rebels—who had been transformed from a separatist movement to a militant underground espousing explicit Islamist rhetoric but no coherent political agenda—continued to carry out episodic attacks and recruit new members, even as Kadyrov's forces devised harsh countermeasures.

For example, foreign journalists have reported that his troops routinely burned the houses of suspected insurgents' relatives. Violent incidents have also occurred in the neighboring republics of Kabardino-Balkariya, Dagestan, and Ingushetia.

In September 2008, Ruslan Yamadayev, a former member of the Russian parliament, was murdered in Moscow. Yamadayev's brother Sulim had been in charge of the Vostok battalion, one of just two Chechen battalions that remained under the direct control of Russia's defense ministry. He lost the leadership of the unit after his troops clashed with Kadyrov's in April. The killing echoed the 2006 Moscow murder of Movladi Baisarov, another opponent of Kadyrov and the commander of the Zapad battalion under the command of the defense ministry.

Also during 2008, Kadyrov continued to provide political support for Moscow. In the Russian presidential election in March, Chechnya produced an 88.7 percent vote for Putin's handpicked successor Dmitry Medvedev, well above the national average of 70.3 percent. Snap Chechen parliamentary polls were held in October, after Kadyrov pushed the bicameral parliament—elected in late 2005—to dissolve itself in favor of a new unicameral legislature. Putin's United Russia party took 88.4 percent of the vote, while the equally pro-Putin Just Russia took 9.2 percent, with more than 95 percent of the electorate reportedly participating.

Even as it used violence to prevent separatism in Chechnya, Moscow in August 2008 offered diplomatic recognition to secessionist governments in the Georgian regions of South Ossetia and Abkhazia. Some analysts warned that the move, which came after a brief war between Russia and Georgia that month, could strengthen separatist sentiments in the Russian North Caucasus.

### **Political Rights and Civil Liberties:**

The resumption of war in 1999 led to the total evisceration of Chechens' political rights. Russian gubernatorial elections were eliminated in 2004; under the new system, the Russian president names a candidate for the Chechen presidency, who then must be approved by the Chechen parliament. Although he effectively serves at the pleasure of the Russian president, the Chechen president is appointed for a five-year term, and there are no term limits. A December 2007 referendum approved the replacement of the bicameral legislature with a unicameral body of 41 members, all of whom serve five-year terms. Elections for the new parliament were held in October 2008; much like the old body, it was filled with members loyal to Chechen president Ramzan Kadyrov, who took office in early 2007.

The so-called Kadyrovtsy, members of Kadyrov's security service, have reportedly been involved in abductions, disappearances, extortion, trading in contraband, and the maintenance of unsanctioned prisons and torture chambers. This group represents the chief political power in the republic and has been able to bring most of the territory under its control.

Corruption is rampant in Chechnya. Kadyrov's critics claim that his accomplishments in rebuilding parts of Grozny have been accompanied by a system of kickbacks. The restored apartments are not always distributed fairly, and many of the reconstruction workers have not been paid. It is also not clear how much of the revenue from Chechen oil production has been misappropriated. Chechnya is not listed separately on Transparency International's Corruption Perceptions Index.

Information in the republic is tightly managed. Kadyrov's financial resources

allow him to control all local broadcast and most print media, which provide extensive coverage of his activities. There are three licensed television broadcasters, whose content is progovernment. Russian state-run television and radio outlets continue to broadcast in Chechnya. The rebel movement operates websites with reports from its perspective, but internet usage is negligible.

The Russian security services impose severe restrictions on journalists' access to the widening Caucasus conflict area, issuing accreditation primarily to those of proven loyalty to the Russian government. Few foreign reporters are allowed into Chechnya, and when they are granted entry, they must be accompanied at all times by military officials. The October 2006 Moscow murder of Anna Politkovskaya, a correspondent for Moscow-based *Novaya Gazeta*, silenced one of the few remaining journalists who traveled in Chechnya without official escorts and collected evidence of abuses by Russian troops and the pro-Moscow Chechen government. In 2008, the authorities still had not conclusively identified who ordered her assassination. *Novaya Gazeta* editor-in-chief Dmitiy Muratov has asserted that the assassination was connected to Chechnya and accused Kadyrov of withholding information relevant to the investigation.

Most Chechens practice Sufism, a mystical form of Islam. Kadyrov openly advocates giving the faith a central role in Chechen public life. The fundamentalist Wahhabi (Salafi) sect of Sunni Islam, which has roots in Saudi Arabia and was introduced in Chechnya by Arab emissaries at the end of the first Chechen war in 1996, has been banned by Russia.

Since the start of the fighting in 1994, many of the republic's schools have been damaged or destroyed, and education in Chechnya has been sporadic. Most schools have not been renovated and continue to lack basic amenities.

Most international nongovernmental organizations working in Chechnya have moved their headquarters outside of the republic because of security concerns. However, the deteriorating situation in Ingushetia forced the Office of the UN High Commissioner for Refugees (UNHCR) to close its facilities there in 2007. Currently, international groups are providing humanitarian aid in Chechnya, and Memorial is conducting human rights research there. In addition to pressure from the Chechen government, the groups face increasing demands from the Russian government, which introduced extensive reporting requirements in 2006. Freedom of assembly is not respected, and labor union activity is almost nonexistent due to economic devastation and widespread unemployment.

The rule of law is extremely weak, with Kadyrov often acting as a law unto himself. Extrajudicial killings, disappearances, and other serious crimes are rarely investigated and even more rarely prosecuted. Human rights groups accuse members of the local police of involvement in kidnappings, though Amnesty International reported in 2008 that the number of disappearances was down considerably compared with the previous year.

The European Court of Human Rights has provided Chechens with an alternative source of justice. The court has repeatedly ruled against Russia's conduct of the war in Chechnya, finding that it indiscriminately killed civilians. Memorial estimates that as many as 5,000 people have vanished during the second Chechen war. In October 2007, the human rights court sought to speed up the litigation process by allowing residents of the North Caucasus to file complaints without first exhausting

all legal options in Russia. The Russian authorities have attempted to prevent such filings and redirect them to Russian courts.

Widespread corruption and the economic devastation caused by the war severely limit equality of opportunity. Unemployment is 65.3 percent, according to Rosstat, the Russian federal statistics service. Residents who have found work are employed mostly by the local police, the administration, the oil and construction sectors, or small enterprises. Despite numerous problems, the Kadyrov government's rebuilding efforts have improved the overall economic situation, and local business activity has picked up. Most of the ethnic Chechens who fled the republic have now returned home, though many live in sub-standard housing conditions.

With Kadyrov's emphasis on traditional Islam, women face increased discrimination in this male-dominated culture. In September 2007, Kadyrov ordered female civil servants to wear headscarves; he expanded the order in November to include female university students. At the same time, the war has resulted in many women becoming the primary breadwinners for their families. Children accounted for up to 40 percent of casualties during the war, and they continue to suffer from psychological trauma and poor living conditions, including lack of access to education and health care.

## Serbia Kosovo

**Population:** 2,200,000

**Political Rights:** 6

**Civil Liberties:** 5

**Status:** Not Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
7,7NF	6,6NF	6,6NF	5,5PF	5,5PF	6,5NF	6,5NF	6,5NF	6,5NF	6,5NF

### Overview:

**In February 2008, Kosovo formally declared independence from Serbia, eventually winning recognition from the United States and most European countries, but not from Serbia or the majority of UN member states. Within Kosovo, ethnic Serb enclaves refused to accept the Albanian majority's independence declaration, and the move did little to change Kosovo's internal problems.**

Control of Kosovo was contested by ethnic Albanians and Serbs throughout the 20th century. After the death of Yugoslav dictator Josip Broz Tito in 1980, ethnic Albanians began demanding that Kosovo be given republic status within federal Yugoslavia, or even outright independence. Tensions increased after Serbian

strongman Slobodan Milosevic came to power and revoked much of Kosovo's autonomy as a province within Serbia in the late 1980s and early 1990s. Even as Yugoslavia collapsed in the ethnic wars of the 1990s, an uneasy status quo held between the Serbian government and the Kosovo Albanians, who, under longtime leader Ibrahim Rugova, developed their own quasi-governmental institutions, hospitals, and school systems.

In late 1997, an ethnic Albanian guerrilla movement called the Kosovo Liberation Army (KLA) began attacking Serbs and suspected ethnic Albanian collaborators, provoking harsh government responses. After internationally sponsored negotiations failed to halt the violence, NATO in March 1999 launched a 78-day bombing campaign that compelled the rump Federal Republic of Yugoslavia (FRY)—which consisted only of Serbia and Montenegro—to relinquish control over the province. During the war, government forces expelled hundreds of thousands of ethnic Albanians from Kosovo. A UN Security Council resolution (UNSCR 1244) in June 1999 gave a NATO-led peacekeeping force (KFOR) security responsibilities in Kosovo. The province effectively became a UN-administered protectorate, but FRY sovereignty was left legally intact.

After the international takeover, tens of thousands of non-Albanians were forced to flee the province; ethnic Albanians currently comprise about 90 percent of the population. The largest Serb enclave lay north of the Ibar River, while smaller Serb areas scattered throughout the province essentially became ethnic ghettos protected by international forces. In March 2004, two days of rioting against non-Albanian ethnic groups left 20 people dead, 800 homes and 30 churches destroyed, and more than 4,000 Serbs and other non-Albanians homeless.

After the riots, the international community began pressing for a resolution of the province's final status. The UN administration had previously called for both Kosovo's Albanian political leadership and society at large to meet certain human rights and security standards before status issues were addressed. However, Kosovo's predicament made it difficult to obtain development funds from institutions including the World Bank and the International Monetary Fund, and there were growing fears that extremists could begin attacking international forces.

Elections for the Kosovo Assembly in October 2004, though marred by a near-total Serb boycott, confirmed Rugova's Democratic League of Kosovo (LDK) as the leading political party, followed by former KLA political leader Hashim Thaci's Democratic Party of Kosovo (PDK) and former KLA commander Ramush Haradinaj's Alliance for the Future of Kosovo (AAK). The government was led by an LDK-AAK coalition, with Haradinaj as prime minister.

Haradinaj, however, was indicted for alleged war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY) in March 2005, and he resigned as prime minister to contest the charges. Rugova, who had served as Kosovo's president since 2002, died in January 2006, and one of his deputies in the LDK, Fatmir Sejdiu, was elected by the Kosovo Assembly to replace him. In March of that year, former KLA commander Agim Ceku was elected prime minister after Haradinaj's successor, Bajram Kosumi, resigned.

Status negotiations between Belgrade and Kosovo authorities, mediated by former Finnish president Martti Ahtisaari, began in February 2006 and lasted 14 months without a breakthrough. Pristina refused anything short of full independence,



which was unacceptable to Belgrade. In March 2007, Ahtisaari recommended to the UN Security Council (in what is now known as the Ahtisaari Plan) that Kosovo be granted "supervised independence." However, Russia supported Belgrade's position, and the UN Security Council was unable to reach consensus.

In November 2007, the PDK won 36 of 120 seats in Kosovo Assembly elections, followed by the LDK with 25, the New Kosovo Alliance (AKR) with 13, an alliance of the Albanian Christian Democratic Party of Kosovo (PShDK) and the Democratic League of Dardania (LDD) with 11, and the AAK with 10. Smaller factions took the remainder. The PDK and LDK formed a coalition government in late December, with Thaci as prime minister.

The Assembly formally declared Kosovo's independence from Serbia on February 17, 2008. It was quickly recognized by the United States and most European Union (EU) countries. However, important countries including Russia, China, Brazil, India, and Indonesia refused to follow suit. By year's end, Kosovo had been recognized by less than 30 percent of the international community. Moreover, the resistance by Russia and China ensured that Kosovo would not gain membership in the UN or other international organizations, and UNSCR 1244, which recognized Serbia's sovereignty in Kosovo, had not been superseded.

Complicating the picture further, Kosovo's Serb municipalities in June formed an "Assembly of the Union of Municipalities of the Autonomous Province of Kosovo and Metohija" that refused to recognize Pristina's declaration of independence and affirmed its continuing allegiance to Belgrade. In December, a deal was reached between Serbia and the UN Security Council to deploy EULEX—an EU mission tasked with helping to develop Kosovo's law enforcement and judicial institutions—under the mandate of UNSCR 1244, but it was unclear whether this arrangement would work in practice. The ongoing legal uncertainty, which the independence declaration had been designed in part to resolve, threatened to undermine Kosovo's future economic and political development.

**Political Rights and Civil Liberties:** According to a new constitution that took effect in June 2008, indigenous political institutions such as the state presidency and the Kosovo Assembly have governmental authority in Kosovo. However, an International Civilian Representative (ICR) will retain the authority to override legislation and decisions deemed to be at odds with the Ahtisaari Plan, which calls for human rights and minority protections. The ICR is selected by a steering group of countries that have recognized Kosovo's independence, and doubles as the EU representative in Kosovo. Members of the unicameral, 120-seat Kosovo Assembly are elected to three-year terms, and 20 seats are reserved for ethnic minorities. The Assembly elects the president, who also serves a three-year term. The president nominates the prime minister, who must then be approved by the Assembly.

Kosovo's 2007 parliamentary elections were generally considered to be free and fair. However, given the large role played by international officials, the lack of freedom of movement for ethnic minorities, and the limited ability of women to participate in the political process, the actual level of democratization remains low. Nearly all Serb voters boycotted both the 2004 and 2007 parliamentary elections. The UN Mission in Kosovo (UNMIK) declared the 2007 municipal elections in five Serb-populated areas invalid due to similar boycotts.

The main ethnic Albanian political parties in Kosovo since 1999 have been the LDK, the PDK, and the AAK. Other parties cater to various ethnic minorities, including Serbs. The political system remains largely based on clan and regional ties.

Corruption in Kosovo is a serious problem, even by regional standards. While Kosovo was not rated in Transparency International's (TI) 2008 Corruption Perceptions Index, TI has reported that it ranks as one of the four most corrupt economies in the world (along with Albania, Cameroon, and Cambodia).

The 2008 constitution protects freedoms of expression and the press, with exceptions for speech that provokes ethnic hostility. Freedom of expression is limited in practice because of the overall lack of security, especially for ethnic minorities. Although a wide variety of print and electronic media operate in Kosovo, journalists report frequent harassment and intimidation. Investigative journalism is rare due to fear of retribution. Defamation remains a criminal offense. In August 2006, as part of the effort to transfer responsibility to locals, UNMIK's temporary media commissioner was replaced by an Independent Media Commission, composed of five Kosovars and two internationals. However, despite such bodies and rules against incitement of ethnic violence, many media outlets continue to deviate from established journalistic ethics. There were no reports of government attempts to restrict access to the internet.

The new constitution guarantees religious freedom, and ethnic Albanians, who are predominantly Muslim, generally enjoy this right in practice. However, since 1999 there have been systematic attacks on scores of Orthodox Christian churches and other holy sites associated with the Serb population. During the March 2004 violence alone, 30 churches and monasteries were destroyed or damaged. There have also been attacks on Protestant places of worship in recent years.

Academic freedom has not been formally restricted, but appointments at the University of Pristina are considered to be politicized, and academic standards are generally low. Kosovo's educational system is ethnically segregated. The University of Pristina enrolls mainly Albanian students, while Mitrovica University operates under the authority of Belgrade and enrolls mainly Serbs.

Freedom of assembly, especially in ethnic flashpoints such as the divided city of Mitrovica, has occasionally been restricted by UNMIK and KFOR for security reasons, and the 2008 constitution includes safeguards for public order and national security. Nongovernmental organizations generally function freely, although decreasing donor funding in recent years has led many to cease operations. Groups that infringe on the constitutional order or encourage ethnic hatred can be banned by the courts. The constitution protects the right to form and join trade unions. UNMIK regulations on labor rights, which remained in force in the absence of new legislation, do not recognize the right to strike, but workers have not been prevented from striking. The largest labor group in Kosovo, the Association of Independent Trade Unions (BSPK), claims to represent some 100,000 workers.

Kosovo's newly adopted constitution calls for an independent judiciary, though courts at all levels are subject to political influence and intimidation. In January 2008, Amnesty International reported that UNMIK had failed to create a criminal justice system willing and able to prosecute war criminals. The trial of former prime minister Ramush Haradinaj began in March 2007, but ICTY officials complained that he and his supporters were intimidating potential prosecution witnesses. Several witnesses

in the Haradinaj case died under unclear circumstances. He was acquitted by the tribunal in April 2008. Ethnic Albanian judges rarely prosecute cases involving Albanian attacks on non-Albanians. The backlog in the civil court system stands at tens of thousands of cases. The backlog in property claims, mainly those of Serbs, stood at approximately 21,000 by the end of 2008. Prison conditions in Kosovo are generally in line with international standards, though overcrowding remains a problem, and abuse of prisoners has been reported. The breakdown in the judicial system has resulted in the reemergence of familial blood feuds in some areas.

Freedom of movement for ethnic minorities is a significant problem. Amnesty International has reported that non-Albanians are "subjected to both direct and indirect discrimination when seeking access to basic civil, political, social, economic and cultural rights." UNMIK has done little to promote the return of some 220,000 people (mostly Serbs) the UN High Commissioner for Refugees lists as displaced from Kosovo.

Kosovo reportedly is a principal point along the heroin-trafficking route between Central Asia and Western Europe. Organized crime remains a serious problem, with criminal networks extending into various socioeconomic sectors and politics.

Gender inequality is a major concern. Patriarchal attitudes often limit a woman's ability to gain an education or choose a marriage partner, and women represent a disproportionately high percentage of the unemployed. Women are also underrepresented in politics, although election rules stipulate that women must occupy every third spot on each party's candidate list. In Kosovo's November 2007 parliamentary elections, women won 38 seats in the 120-seat Assembly. In many rural areas, women are effectively disenfranchised by "family voting," in which the male head of a household casts ballots for the entire family. A 2004 study found that only half of Kosovo women between ages 25 and 64 have received elementary education. This figure reaches only 10 percent in some districts. Domestic violence is a serious problem, as is discrimination against sexual minorities.

Kosovo serves as a source, transit point, and destination for women and children trafficked for prostitution. The large international military force and numerous international civilian agencies provide a relatively affluent clientele for the trade.

# Somalia

## Somaliland

**Population:** 3,500,000

**Political Rights:** 5\*

**Civil Liberties:** 4

**Status:** Partly Free



**Ratings Change:** Somaliland's political rights rating declined from 4 to 5 due to the extension of the president's term and the postponement of the presidential election until 2009.

### Ten-Year Ratings Timeline For Year Under Review

(Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
--	--	--	--	--	--	--	4,4PF	4,4PF	5,4PF

### Overview:

In April 2008, the upper house of the parliament voted to extend President Dahir Riyale Kahin's term in office for an additional year, through May 2009. The government and opposition eventually agreed to hold the presidential election in March 2009. In October 2008, suicide bombers attacked the presidential palace, a UN complex, and the Ethiopian trade headquarters in Somaliland's main city, Hargeisa. Somaliland officials accused the Shabaab, a Somali jihadist group, of carrying out the attacks.

The modern state of Somalia was formed in 1960, when the newly independent protectorates of British Somaliland and Italian Somaliland agreed to unite. In 1969, General Siad Barre took power in Somalia, ushering in a violent era of clan rivalries and political repression. As flood, drought, and famine wracked the country, the struggle to topple Barre resulted in civil conflict and banditry that lasted until January 1991, when he was finally deposed. Heavily armed militias, divided along traditional clan lines, fought for control in the ensuing power vacuum. The current Somaliland, largely conforming with the borders of the former British Somaliland in the northwestern corner of the country, seized the opportunity of Somalia's political collapse to declare independence.

In a series of clan conferences following the 1991 independence declaration, Somaliland's leaders formed a government system combining democratic elements, such as a parliament, with traditional political structures, such as an upper house consisting of clan elders. Somaliland's first two presidents, Abdirahman Ahmed Ali Tuur and Muhammad Haji Ibrahim Egal, who ruled until his death in 2002, were appointed by clan elders. In 2003, Dahir Riyale Kahin became Somaliland's first elected president. Clan elders also appointed members of Somaliland's lower house of parliament until direct elections were held for the first time in 2005. While the 2003

presidential election and the 2005 legislative elections did not meet international standards, there were no reports of widespread intimidation or fraud. In the 2005 legislative poll, the president's United People's Democratic Party (UDUB) won 33 seats, followed by the Peace, Unity, and Development Party (Kulmiye) and the Justice and Development Party (UCID), which won 28 and 21 seats, respectively. Separately, residents of Somaliland had overwhelmingly supported independence in a 2001 referendum.

In May 2006, President Riyale drew opposition criticism by postponing elections for the upper house and extending its term by four years; under the constitution, only the lower house was empowered to extend the term. Authorities detained three opposition members for several months beginning in July 2007 for attempting to create a new political party. In October 2007, the government and opposition members agreed to postpone local and presidential elections, originally scheduled for December 2007 and April 2008, respectively, until later in 2008.

In April 2008, the upper house voted to extend President Riyale's term in office, which was set to expire on May 15, through May 2009. Opposition members threatened to reject the president's legitimacy after May 15, but a series of negotiations between the government and opposition yielded a new electoral timetable; the presidential election would be held in March 2009, and the municipal elections were postponed indefinitely, to be organized by the new administration. Voter registration, which began in October, was plagued by logistical and financial difficulties. In addition, on October 29, suicide bombers killed at least 23 people in Somaliland's main city, Hargeisa, in coordinated attacks on the presidential palace, a UN Development Programme complex, and the Ethiopian trade headquarters. Somaliland officials accused the Shabaab, a Somali jihadist group, of carrying out the attacks. The violence led the election commission to temporarily halt the voter registration process due to security concerns, but registration started up again in early December.

Somaliland's relations with neighboring Puntland, which claimed autonomy but not independence from Somalia, have been strained in recent years due to border disputes over the Sool and Sanaag regions. In 2007, Somaliland troops seized the city of Las Anod in Sool, which was formerly controlled by Puntland. In July 2008, Somaliland forces also briefly occupied the disputed town of Las Qorey, although reports indicated that they eventually withdrew.

Nearly half of all Somalilanders are livestock herders, and livestock-related products are among the leading exports. Somaliland's port city of Berbera has become a critical commerce hub, generating well over half of the government's revenue. Remittances from abroad also constitute an important income source for many Somalilanders. Given that Somaliland is not internationally recognized, it receives little assistance from foreign governments and international lending institutions. The European Union, however, agreed to fund the voter registration process in advance of the 2009 elections, and other international contacts have been growing, including cooperation on antipiracy and antiterrorism initiatives.

**Political Rights and Civil Liberties:** According to Somaliland's constitution, the president is directly elected for a maximum of two five-year terms and appoints the cabinet. Members of the 82-seat lower house of the bicameral parliament are directly elected for five-year terms, while members of the 82-seat upper house (Guurti) are indirectly elected by local communities for six-

year terms. In April 2003, nearly half a million voters took part in the presidential election, which Dahir Riyale Kahin won by a margin of less than 100 votes, although the runner-up accepted the legitimacy of the outcome. The most recent elections for the lower house took place in September 2005, while elections to the upper house have been postponed since its six-year term expired in 2003. In May 2006, President Riyale approved the extension of its term for another four years.

Somaliland's constitution allows for a maximum of three political parties, and parties defined by region or clan are technically prohibited. Nevertheless, support for the three parties tends to be divided along clan lines: the UDUB, the president's party, is loosely affiliated with a subclan of the Dir clan; the UCID is largely supported by members of other Dir sub-clans; and members of the Darood clan tend to support Kulmiye.

There have been accusations by local media of pervasive corruption among high-ranking public officials, although Transparency International did not rank Somaliland separately in its 2008 Corruption Perceptions Index.

Freedoms of expression and the press are guaranteed by Somaliland's constitution, and journalists typically enjoy much more freedom than their counterparts in the rest of Somalia. However, the government began to restrict press freedom more aggressively in 2007 in advance of the expected 2008 presidential election. Somaliland's conflict with Puntland has also led to reduced press freedoms. In May 2008, authorities questioned Radio Las Anod journalist Abdiqani Ismail Goh for allegedly criticizing the Somaliland government; two other journalists from the station were reportedly arrested for similar reasons during the year. Goh was arrested again in September following a complaint from the Somali Red Crescent that he had reported unfavorably about the organization. Separately, authorities sought to restrict coverage of the October suicide bomb attacks in Hargeisa. A freelance journalist was arrested in November for filming the blasts, and two journalists with the state-owned *Mandeeq* newspaper were reportedly detained temporarily on the day of the attacks.

Two independent television stations began broadcasting in recent years, but the government is reluctant to liberalize the airwaves, arguing that open access could lead to the instigation of clan violence. The primary radio station is the government-run Radio Hargeisa, although the British Broadcasting Corporation (BBC) is available in the capital. There are several private newspapers in Somaliland in addition to the state-owned *Mandeeq*, although they have limited circulations and are heavily subsidized by journalists' relatives and Somalilanders living abroad. The internet is widely available at competitive prices and serves as an active forum through which the diaspora contributes to the local media environment.

Nearly all Somaliland residents are Sunni Muslims, and Islam is the state religion. Proselytizing by those of other faiths is prohibited.

Freedom of association is constitutionally guaranteed, and international and local nongovernmental organizations operate in Somaliland without serious government interference. In February 2008, a Gantien aid worker was kidnapped by suspected Shabaab militants but was released unharmed later the same day. The government is wary of large protests, but there have not been reports of systematic crackdowns on public gatherings. In January 2008, during government-supported pro-independence rallies throughout Somaliland, several anti-Somaliland protest-

ers in Las Anod were injured when security forces dispersed their group. Demonstrations in April against the presidential term extension proceeded peacefully, however.

According to the constitution, the judiciary is independent and the laws cannot violate the principles of Sharia (Islamic law). The courts function relatively well, but there have been questions about their independence in practice. Local Islamist groups have pushed for the more explicit application of Sharia.

Somaliland police and security forces, while well organized, have been accused of using excessive force. However, the scale of abuse does not approach the poor human rights conditions in the rest of Somalia or other countries in the region.

Somaliland is ethnically and religiously homogeneous. Societal fault lines are largely clan-based; most Somalilanders belong to the Dir or Darood clans, which are made up of multiple subclans. Larger, wealthier clans have more political clout than the less prominent groups, but clan elders often intervene to settle conflicts.

Society in Somaliland is patriarchal. While women are present in the workplace and hold some public positions, the political decision-making process is almost totally dominated by men. As in the rest of Somalia and other places in East Africa, female genital mutilation is practiced on the vast majority of women.

## United States Puerto Rico

Population: 4,000,000

Political Rights: 1

Civil Liberties: 1

Status: Free



### Ten-Year Ratings Timeline For Year Under Review (Political Rights, Civil Liberties, Status)

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
1,2F	1,2F	1,2F	1,2F	1,2F	1,2F	1,1F	1,1F	1,1F	1,1F

### Overview:

**Luis Fortuno of the New Progressive Party won the November 2008 gubernatorial election. He defeated the incumbent, Anibal Acevedo-Vila of the Popular Democratic Party, who ran under the shadow of an indictment on corruption charges. The economy, which had been troubled for some years, declined further amid the global economic crisis in the second half of 2008.**

Having been captured by U.S. forces during the Spanish-American War in 1898, Puerto Rico acquired the status of a commonwealth of the United States following approval by plebiscite in 1952. As a commonwealth, Puerto Rico exercises approximately the same control over its internal affairs as do the 50 states. Although they are U.S. citizens, residents of Puerto Rico cannot vote in presidential elections and

are represented in the U.S. Congress by a delegate to the House of Representatives with limited voting rights.

Power has alternated between the pro-commonwealth Popular Democratic Party (PPD) and the pro-statehood New Progressive Party (PNP) for several decades. Anibal Acevedo-Vila of the PPD won the 2004 gubernatorial election by a razor-thin margin over his PNP opponent. However, the PNP controlled both houses of the legislature, leading to near-gridlock in the island's government during Acevedo-Vila's tenure.

Acevedo-Vila was indicted on corruption charges by a U.S. grand jury in March 2008, but he refused to withdraw his candidacy ahead of the November gubernatorial election. The result was a major shift in Puerto Rican politics. PNP candidate Luis Fortuno, who had served as the island's representative in the U.S. Congress, firmly defeated the incumbent, while the PNP secured overwhelming majorities in both the House and Senate elections. Fortuno would consequently have the opportunity to pursue an ambitious legislative agenda after taking office in January 2009.

For years, Puerto Ricans have been nearly equally divided between those who favor the continuation of commonwealth status and those who favor full U.S. statehood. Commonwealth supporters argue that the special status allows the island to maintain its separate culture and an exemption from federal income taxes, but advocates of statehood seek presidential voting rights and full representation in Congress. A third option, independence, has little popular support; the Independence Party (PIP) candidate for governor, Edwin Irizarry Mora, received just 2 percent of the popular vote in 2008.

Although Puerto Rico had for years been showcased as one of the Caribbean's major economic success stories, its performance has moved from stagnation to outright decline over the past several years. Per capita income stands at just over one-half the level of the poorest state in the United States, labor-force participation is low, and poverty rates are high. Contributing to the commonwealth's economic problems is a combination of low wages, relatively generous welfare benefits, and the ability of Puerto Ricans to migrate to the United States. A World Bank study published in 2008 ranked Puerto Rico at 211 out of 215 countries and territories on measurements of economic growth.

**Political Rights and Civil Liberties:** The commonwealth constitution, modeled after that of the United States, provides for a governor elected for four-year terms and a bicameral legislature, currently consisting of a 27-member Senate and a 51-member House of Representatives, elected for four-year terms.

As U.S. citizens, Puerto Ricans are guaranteed all civil liberties granted in the United States. The major political parties are the pro-commonwealth PPD, the pro-statehood PNP, and the pro-independence PIP.

The commonwealth is represented in the U.S. Congress by a single delegate. In January 2007, the U.S. House of Representatives restored limited voting rights to the delegates from Puerto Rico, the District of Columbia, and several other U.S. territories. The change allows Puerto Rico's delegate to vote on floor amendments to legislation but not on final passage of bills. The delegate had previously been restricted to voting at the committee level.



Governor Anibal Acevedo-Vila in 2008 became the latest in a string of prominent Puerto Rican politicians to face charges of official corruption. He was accused of soliciting thousands of dollars in campaign contributions in return for favors and government contracts. The indictment also named 12 of the governor's associates in the alleged fund-raising scheme. Puerto Rico was ranked 36 out of 180 countries surveyed in Transparency International's 2008 Corruption Perceptions Index; by comparison, the United States was ranked 18.

Puerto Rico's tradition of varied and vigorous news media was placed in jeopardy in 2008 by a decline in newspapers due to the economic crisis and other factors. During the year, the *San Juan Star*, the commonwealth's principal English-language print outlet, closed its doors for financial reasons. Plans to launch a cooperatively owned English-language replacement were announced near the end of the year.

Freedom of religion is guaranteed in this predominantly Roman Catholic territory, and a substantial number of evangelical churches have been established on the island in recent years. Academic freedom is guaranteed.

Freedom of assembly is protected by law, and Puerto Ricans frequently mount protest rallies against local or federal government policies. There is a robust civil society, with numerous nongovernmental organizations representing the interests of different constituencies. The government respects trade union rights, and unions are generally free to organize and strike. In February 2008, public-school teachers throughout the commonwealth engaged in a strike that lasted 10 days and was punctuated by clashes between strikers and the police.

The legal system is based on U.S. law, and a Supreme Court heads an independent judiciary. Crime is a serious problem for the island. The murder rate is three times that of the United States, with a large proportion of drug-related homicides. The center of the narcotics trade has shifted from San Juan to smaller communities, leaving housing projects in some towns under virtual siege by drug gangs. The enforcement of drug laws has been accompanied by an increase in police corruption.

In recent years, there has been an upsurge in attempts by illegal migrants from various Caribbean countries to reach Puerto Rico, often in flimsy boats. Many are brought to the island by smugglers.

Laws granting equal rights for women in education, at the workplace, and in other aspects of society have been adopted. Women's rights organizations, however, claim that women are still subject to widespread discrimination.

# *Freedom in the World 2009*

## Methodology

### INTRODUCTION

The *Freedom in the World* survey provides an annual evaluation of the state of global freedom as experienced by individuals. The survey measures freedom—the opportunity to act spontaneously in a variety of fields outside the control of the government and other centers of potential domination—according to two broad categories: political rights and civil liberties. Political rights enable people to participate freely in the political process, including the right to vote freely for distinct alternatives in legitimate elections, compete for public office, join political parties and organizations, and elect representatives who have a decisive impact on public policies and are accountable to the electorate. Civil liberties allow for the freedoms of expression and belief, associational and organizational rights, rule of law, and personal autonomy without interference from the state.

The survey does not rate governments or government performance per se, but rather the real-world rights and freedoms enjoyed by individuals. Thus, while Freedom House considers the presence of legal rights, it places a greater emphasis on whether these rights are implemented in practice. Furthermore, freedoms can be affected by government officials, as well as by nonstate actors, including insurgents and other armed groups.

Freedom House does not maintain a culture-bound view of freedom. The methodology of the survey is grounded in basic standards of political rights and civil liberties, derived in large measure from relevant portions of the Universal Declaration of Human Rights. These standards apply to all countries and territories, irrespective of geographical location, ethnic or religious composition, or level of economic development. The survey operates from the assumption that freedom for all peoples is best achieved in liberal democratic societies.

The survey includes both analytical reports and numerical ratings for 193 countries and 16 select territories.<sup>1</sup> Each country and territory report includes an over-

<sup>1</sup>These territories are selected based on their political significance and size. Freedom House divides territories into two categories: related territories and disputed territories. Related territories consist mostly of colonies, protectorates, and island dependencies of sovereign states that are in some relation of dependency to that state, and whose relationship is not currently in serious legal or political dispute. Disputed territories are areas within internationally recognized sovereign states whose status is in serious political or violent dispute, and whose conditions differ substantially from those of the relevant sovereign states. They are often outside of central government control and characterized by intense, longtime, and widespread insurgency or independence movements that enjoy popular support. Generally, the dispute faced by a territory is between independence for the territory or domination by an established state. The decision to identify Nagorno-Karabakh with the two independent countries of Armenia and Azerbaijan reflects the fact that both claim authority over the territory, as well as the fact that Armenia enjoys de facto control over it. This two-country designation is not intended to be an endorsement of Armenian claims over Nagorno-Karabakh.

view section, which provides historical background and a brief description of the year's major developments, as well as a section summarizing the current state of political rights and civil liberties. In addition, each country and territory is assigned a numerical rating—on a scale of 1 to 7—for political rights and an analogous rating for civil liberties; a rating of 1 indicates the highest degree of freedom and 7 the lowest level of freedom. These ratings, which are calculated based on the methodological process described below, determine whether a country is classified as Free, Partly Free, or Not Free by the survey.

The survey findings are reached after a multilayered process of analysis and evaluation by a team of regional experts and scholars. Although there is an element of subjectivity inherent in the survey findings, the ratings process emphasizes intellectual rigor and balanced and unbiased judgments.

#### **HISTORY OF THE SURVEY**

Freedom House's first year-end reviews of freedom began in the 1950s as the *Balance Sheet of Freedom*. This modest report provided assessments of political trends and their implications for individual freedom. In 1972, Freedom House launched a new, more comprehensive annual study called *The Comparative Study of Freedom*. Raymond Gastil, a Harvard-trained specialist in regional studies from the University of Washington in Seattle, developed the survey's methodology, which assigned political rights and civil liberties ratings to 151 countries and 45 territories and—based on these ratings—categorized them as Free, Partly Free, or Not Free. The findings appeared each year in Freedom House's *Freedom at Issue* bimonthly journal (later titled *Freedom Review*). The survey first appeared in book form in 1978 under the title *Freedom in the World* and included short, explanatory narratives for each country and territory rated in the study, as well as a series of essays by leading scholars on related issues. *Freedom in the World* continued to be produced by Gastil until 1989, when a larger team of in-house survey analysts was established. In the mid-1990s, the expansion of *Freedom in the World's* country and territory narratives demanded the hiring of outside analysts—a group of regional experts from the academic, media, and human rights communities. The survey has continued to grow in size and scope; the 2009 edition is the most exhaustive in its history.

#### **RESEARCH AND RATINGS REVIEW PROCESS**

This year's survey covers developments from January 1, 2008, through December 31, 2008, in 193 countries and 16 territories. The research and ratings process involved 40 analysts and 17 senior-level academic advisers—the largest number to date. The 11 members of the core research team headquartered in New York, along with 29 outside consultant analysts, prepared the country and territory reports. The analysts used a broad range of sources of information—including foreign and domestic news reports, academic analyses, nongovernmental organizations, think tanks, individual professional contacts, and visits to the region—in preparing the reports.

The country and territory ratings were proposed by the analyst responsible for each related report. The ratings were reviewed individually and on a comparative basis in a series of six regional meetings—Asia-Pacific, Central and Eastern Europe and the Former Soviet Union, Latin America and the Caribbean, Middle East and North Africa, sub-Saharan Africa, and Western Europe—involving the analysts,

academic advisers with expertise in each region, and Freedom House staff. The ratings were compared to the previous year's findings, and any major proposed numerical shifts or category changes were subjected to more intensive scrutiny. These reviews were followed by cross-regional assessments in which efforts were made to ensure comparability and consistency in the findings. Many of the key country reports were also reviewed by the academic advisers.

#### **CHANGES TO THE 2009 EDITION OF *FREEDOM IN THE WORLD***

The survey's methodology is reviewed periodically by an advisory committee of political scientists with expertise in methodological issues. Over the years, the committee has made a number of modest methodological changes to adapt to evolving ideas about political rights and civil liberties. At the same time, the time series data are not revised retroactively, and any changes to the methodology are introduced incrementally in order to ensure the comparability of the ratings from year to year.

For the 2009 edition of the survey, one change was made to the checklist question guidelines (the checklist questions are used by the analysts when scoring each of their countries, while the guidelines—in the form of bulleted sub-questions—provide general guidance to the analysts about issues they should consider when scoring each checklist question). Civil liberties question G. 1 and two of its sub-questions were reworded slightly to include the possible effect of nonstate actors on freedom of travel or choice of residence, employment, or institution of higher education; previously, the questions focused more on state actors. (The complete checklist questions and guidelines appear at the end of this methodology essay.) In addition, a change was made in the criteria for determining whether a country is classified as an electoral democracy; in addition to the previous requirement of a subtotal score of 7 or better (out of a possible total score of 12) for political rights sub-category A (Electoral Process), a country must now also receive an overall political rights score of 20 or better (out of a possible total score of 40). Finally, South Ossetia was added as a separate disputed territory after Russia's August 2008 invasion and subsequent political and economic takeover.

#### **RATINGS PROCESS**

*(NOTE: see the complete checklist questions and keys to political rights and civil liberties ratings and status at the end of the methodology essay.)*

Scores - The ratings process is based on a checklist of 10 political rights questions and 15 civil liberties questions. The political rights questions are grouped into three subcategories: Electoral Process (3 questions), Political Pluralism and Participation (4), and Functioning of Government (3). The civil liberties questions are grouped into four subcategories: Freedom of Expression and Belief (4 questions), Associational and Organizational Rights (3), Rule of Law (4), and Personal Autonomy and Individual Rights (4). Scores are awarded to each of these questions on a scale of 0 to 4, where a score of 0 represents the smallest degree and 4 the greatest degree of rights or liberties present. The political rights section also contains two additional discretionary questions: question A (For traditional monarchies that have no parties or electoral process, does the system provide for genuine, meaningful consulta-

tion with the people, encourage public discussion of policy choices, and allow the right to petition the ruler?) and question B (Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?). For additional discretionary question A, a score of 1 to 4 may be added, as applicable, while for discretionary question B, a score of 1 to 4 may be subtracted (the worse the situation, the more that may be subtracted). The highest score that can be awarded to the political rights checklist is 40 (or a total score of 4 for each of the 10 questions). The highest score that can be awarded to the civil liberties checklist is 60 (or a total score of 4 for each of the 15 questions).

The scores from the previous survey edition are used as a benchmark for the current year under review. In general, a score is changed only if there has been a real world development during the year that warrants a change (e.g., a crackdown on the media, the country's first free and fair elections) and is reflected accordingly in the narrative.

In answering both the political rights and civil liberties questions, Freedom House does not equate constitutional or other legal guarantees of rights with the on-the-ground fulfillment of these rights. While both laws and actual practices are factored into the ratings decisions, greater emphasis is placed on the latter.

For states and territories with small populations, the absence of pluralism in the political system or civil society is not necessarily viewed as a negative situation unless the government or other centers of domination are deliberately blocking its operation. For example, a small country without diverse political parties or media outlets or significant trade unions is not penalized if these limitations are determined to be a function of size and not overt restrictions.

**Political Rights and Civil Liberties Ratings** - The total score awarded to the political rights and civil liberties checklist determines the political rights and civil liberties rating. Each rating of 1 through 7, with 1 representing the highest and 7 the lowest level of freedom, corresponds to a range of total scores (see tables 1 and 2).

**Status of Free, Partly Free, Not Free** - Each pair of political rights and civil liberties ratings is averaged to determine an overall status of "Free," "Partly Free," or "Not Free." Those whose ratings average 1.0 to 2.5 are considered Free, 3.0 to 5.0 Partly Free, and 5.5 to 7.0 Not Free (see table 3). The designations of Free, Partly Free, and Not Free each cover a broad third of the available scores. Therefore, countries and territories within any one category, especially those at either end of the category, can have quite different human rights situations. In order to see the distinctions within each category, a country or territory's political rights and civil liberties ratings should be examined. For example, countries at the lowest end of the Free category (2 in political rights and 3 in civil liberties, or 3 in political rights and 2 in civil liberties) differ from those at the upper end of the Free group (1 for both political rights and civil liberties). Also, a designation of Free does not mean that a country enjoys perfect freedom or lacks serious problems, only that it enjoys comparably more freedom than Partly Free or Not Free (or some other Free) countries.

**Indications of Ratings and/or Status Changes** - Each country's or territory's

political rights rating, civil liberties rating, and status is included in a statistics section that precedes each country or territory report. A change in a political rights or civil liberties rating since the previous survey edition is indicated with a symbol next to the rating that has changed. A brief ratings change explanation is included in the statistics section.

**Trend Arrows** - Positive or negative developments in a country or territory may also be reflected in the use of upward or downward trend arrows. A trend arrow is based on a particular development (such as an improvement in a country's state of religious freedom), which must be linked to a score change in the corresponding checklist question (in this case, an increase in the score for checklist question D2, which covers religious freedom). However, not all score increases or decreases warrant trend arrows. Whether a positive or negative development is significant enough to warrant a trend arrow is determined through consultations among the report writer, the regional academic advisers, and Freedom House staff. Also, trend arrows are assigned only in cases where score increases or decreases are not sufficient to warrant a ratings change; thus, a country cannot receive both a ratings change and a trend arrow during the same year. A trend arrow is indicated with an arrow next to the name of the country or territory that appears before the statistics section at the top of each country or territory report. A brief trend arrow explanation is included in the statistics section.

## GENERAL CHARACTERISTICS OF EACH POLITICAL RIGHTS AND CIVIL LIBERTIES RATING

### POLITICAL RIGHTS

**Rating of 1** - Countries and territories with a rating of 1 enjoy a wide range of political rights, including free and fair elections. Candidates who are elected actually rule, political parties are competitive, the opposition plays an important role and enjoys real power, and minority groups have reasonable self-government or can participate in the government through informal consensus.

**Rating of 2** - Countries and territories with a rating of 2 have slightly weaker political rights than those with a rating of 1 because of such factors as some political corruption, limits on the functioning of political parties and opposition groups, and foreign or military influence on politics.

**Ratings of 3, 4, 5** - Countries and territories with a rating of 3, 4, or 5 include those that moderately protect almost all political rights to those that more strongly protect some political rights while less strongly protecting others. The same factors that undermine freedom in countries with a rating of 2 may also weaken political rights in those with a rating of 3, 4, or 5, but to an increasingly greater extent at each successive rating.

**Rating of 6** - Countries and territories with a rating of 6 have very restricted political rights. They are ruled by one party or military dictatorships, religious hier-

archies, or autocrats. They may allow a few political rights, such as some representation or autonomy for minority groups, and a few are traditional monarchies that tolerate political discussion and accept public petitions.

**Rating of 7** - Countries and territories with a rating of 7 have few or no political rights because of severe government oppression, sometimes in combination with civil war. They may also lack an authoritative and functioning central government and suffer from extreme violence or warlord rule that dominates political power.

### **CIVIL LIBERTIES**

**Rating of 1** - Countries and territories with a rating of 1 enjoy a wide range of civil liberties, including freedom of expression, assembly, association, education, and religion. They have an established and generally fair system of the rule of law (including an independent judiciary), allow free economic activity, and tend to strive for equality of opportunity for everyone, including women and minority groups.

**Rating of 2** - Countries and territories with a rating of 2 have slightly weaker civil liberties than those with a rating of 1 because of such factors as some limits on media independence, restrictions on trade union activities, and discrimination against minority groups and women.

**Ratings of 3, 4, 5** - Countries and territories with a rating of 3, 4, or 5 include those that moderately protect almost all civil liberties to those that more strongly protect some civil liberties while less strongly protecting others. The same factors that undermine freedom in countries with a rating of 2 may also weaken civil liberties in those with a rating of 3, 4, or 5, but to an increasingly greater extent at each successive rating.

**Rating of 6** - Countries and territories with a rating of 6 have very restricted civil liberties. They strongly limit the rights of expression and association and frequently hold political prisoners. They may allow a few civil liberties, such as some religious and social freedoms, some highly restricted private business activity, and some open and free private discussion.

**Rating of 7** - Countries and territories with a rating of 7 have few or no civil liberties. They allow virtually no freedom of expression or association, do not protect the rights of detainees and prisoners, and often control or dominate most economic activity.

Countries and territories generally have ratings in political rights and civil liberties that are within two ratings numbers of each other. For example, without a well-developed civil society, it is difficult, if not impossible, to have an atmosphere supportive of political rights. Consequently, there is no country in the survey with a rating of 6 or 7 for civil liberties and, at the same time, a rating of 1 or 2 for political rights.

### **ELECTORAL DEMOCRACY DESIGNATION**

In addition to providing numerical ratings, the survey assigns the designation

"electoral democracy" to countries that have met certain minimum standards. In determining whether a country is an electoral democracy, Freedom House examines several key factors concerning the last major national election or elections.

To qualify as an electoral democracy, a state must have satisfied the following criteria:

- 1) A competitive, multiparty political system;
- 2) Universal adult suffrage for all citizens (with exceptions for restrictions that states may legitimately place on citizens as sanctions for criminal offenses);
- 3) Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud, and that yield results that are representative of the public will;
- 4) Significant public access of major political parties to the electorate through the media and through generally open political campaigning.

The numerical benchmark for a country to be listed as an electoral democracy is a subtotal score of 7 or better (out of a possible total score of 12) for the political rights checklist subcategory A (the three questions on Electoral Process) *and* an overall political rights score of 20 or better (out of a possible total score of 40). In the case of presidential/parliamentary systems, both elections must have been free and fair on the basis of the above criteria; in parliamentary systems, the last nationwide elections for the national legislature must have been free and fair. The presence of certain irregularities during the electoral process does not automatically disqualify a country from being designated an electoral democracy. A country cannot be an electoral democracy if significant authority for national decisions resides in the hands of an unelected power, whether a monarch or a foreign international authority. A country is removed from the ranks of electoral democracies if its last national election failed to meet the criteria listed above, or if changes in law significantly eroded the public's possibility for electoral choice.

Freedom House's term "electoral democracy" differs from "liberal democracy" in that the latter also implies the presence of a substantial array of civil liberties. In the survey, all Free countries qualify as both electoral and liberal democracies. By contrast, some Partly Free countries qualify as electoral, but not liberal, democracies.

## **FREEDOM IN THE WORLD 2009**

### **CHECKLIST QUESTIONS AND GUIDELINES**

Each numbered checklist question is assigned a score of 0-4 (except for discretionary question A, for which a score of 1-4 may be added, and discretionary question B, for which a score of 1-4 may be subtracted), according to the survey methodology. The bulleted sub-questions are intended to provide guidance to the writers regarding what issues are meant to be considered in scoring each checklist question; the authors do not necessarily have to consider every sub-question when scoring their countries.



## **POLITICAL RIGHTS CHECKLIST**

### **A. ELECTORAL PROCESS**

1. Is the head of government or other chief national authority elected through free and fair elections?

- Did established and reputable national and/or international election monitoring organizations judge the most recent elections for head of government to be free and fair? (*Note:* Heads of government chosen through various electoral frameworks, including direct elections for president, indirect elections for prime minister by parliament, and the electoral college system for electing presidents, are covered under this and the following sub-questions. In cases of indirect elections for the head of government, the elections for the legislature that chose the head of government, as well as the selection process of the head of government himself, should be taken into consideration.)
- Have there been undue, politically motivated delays in holding the most recent election for head of government?
- Is the registration of voters and candidates conducted in an accurate, timely, transparent, and nondiscriminatory manner?
- Can candidates make speeches, hold public meetings, and enjoy media access throughout the campaign free of intimidation?
- Does voting take place by secret ballot or by equivalent free voting procedure?
- Are voters able to vote for the candidate or party of their choice without undue pressure or intimidation?
- Is the vote count transparent, and is it reported honestly with the official results made public? Can election monitors from independent groups and representing parties/candidates watch the counting of votes to ensure their honesty?
- Is each person's vote given equivalent weight to those of other voters in order to ensure equal representation?
- Has a democratically elected head of government who was chosen in the most recent election subsequently been overthrown in a violent coup? (*Note:* Although a peaceful, "velvet coup" may ultimately lead to a positive outcome—particularly if it replaces a head of government who was not freely and fairly elected—the new leader has not been freely and fairly elected and cannot be treated as such.)
- In cases where elections for regional, provincial, or state governors and/or other subnational officials differ significantly in conduct from national elections, does the conduct of the subnational elections reflect an opening toward improved political rights in the country, or, alternatively, a worsening of political rights?

2. Are the national legislative representatives elected through free and fair elections?

- Did established and reputable domestic and/or international election monitoring organizations judge the most recent national legislative elections to be free and fair?
- Have there been undue, politically motivated delays in holding the most recent national legislative election?
- Is the registration of voters and candidates conducted in an accurate, timely, transparent, and nondiscriminatory manner?
- Can candidates make speeches, hold public meetings, and enjoy media access throughout the campaign free of intimidation?
- Does voting take place by secret ballot or by equivalent free voting procedure?
- Are voters able to vote for the candidate or party of their choice without undue pressure or intimidation?
- Is the vote count transparent, and is it reported honestly with the official results made public? Can election monitors from independent groups and representing parties/candidates watch the counting of votes to ensure their honesty?
- Is each person's vote given equivalent weight to those of other voters in order to ensure equal representation?
- Have the representatives of a democratically elected national legislature who were chosen in the most recent election subsequently been overthrown in a violent coup? (*Note:* Although a peaceful, "velvet coup" may ultimately lead to a positive outcome—particularly if it replaces a national legislature whose representatives were not freely and fairly elected—members of the new legislature have not been freely and fairly elected and cannot be treated as such.)
- In cases where elections for subnational councils/parliaments differ significantly in conduct from national elections, does the conduct of the subnational elections reflect an opening toward improved political rights in the country, or, alternatively, a worsening of political rights?

### 3. Are the electoral laws and framework fair?

- Is there a clear, detailed, and fair legislative framework for conducting elections? (*Note:* Changes to electoral laws should not be made immediately preceding an election if the ability of voters, candidates, or parties to fulfill their roles in the election is infringed.)
- Are election commissions or other election authorities independent and free from government or other pressure and interference?
- Is the composition of election commissions fair and balanced?
- Do election commissions or other election authorities conduct their work in an effective and competent manner?
- Do adult citizens enjoy universal and equal suffrage? (*Note:* Suffrage

can be suspended or withdrawn for reasons of legal incapacity, such as mental incapacity or conviction of a serious criminal offense.)

- Is the drawing of election districts conducted in a fair and nonpartisan manner, as opposed to gerrymandering for personal or partisan advantage?
- Has the selection of a system for choosing legislative representatives (such as proportional versus majoritarian) been manipulated to advance certain political interests or to influence the electoral results?

## **B. POLITICAL PLURALISM AND PARTICIPATION**

1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system open to the rise and fall of these competing parties or groupings?

- Do political parties encounter undue legal or practical obstacles in their efforts to be formed and to operate, including onerous registration requirements, excessively large membership requirements, etc.?
- Do parties face discriminatory or onerous restrictions in holding meetings, rallies, or other peaceful activities?
- Are party members or leaders intimidated, harassed, arrested, imprisoned, or subjected to violent attacks as a result of their peaceful political activities?

2. Is there a significant opposition vote and a realistic possibility for the opposition to increase its support or gain power through elections?

- Are various legal/administrative restrictions selectively applied to opposition parties to prevent them from increasing their support base or successfully competing in elections?
- Are there legitimate opposition forces in positions of authority, such as in the national legislature or in subnational governments?
- Are opposition party members or leaders intimidated, harassed, arrested, imprisoned, or subjected to violent attacks as a result of their peaceful political activities?

3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

- Do such groups offer bribes to voters and/or political figures in order to influence their political choices?
- Do such groups intimidate, harass, or attack voters and/or political figures in order to influence their political choices?
- Does the military control or enjoy a preponderant influence over government policy and activities, including in countries that nominally are under civilian control?

- Do foreign governments control or enjoy a preponderant influence over government policy and activities by means including the presence of foreign military troops, the use of significant economic threats or sanctions, etc.?

4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

- Do political parties of various ideological persuasions address issues of specific concern to minority groups?
- Does the government inhibit the participation of minority groups in national or subnational political life through laws and/or practical obstacles?
- Are political parties based on ethnicity, culture, or religion that espouse peaceful, democratic values legally permitted and de facto allowed to operate?

### C. FUNCTIONING OF GOVERNMENT

1. Do the freely elected head of government and national legislative representatives determine the policies of the government?

- Are the candidates who were elected freely and fairly duly installed in office?
- Do other appointed or non-freely elected state actors interfere with or prevent freely elected representatives from adopting and implementing legislation and making meaningful policy decisions?
- Do nonstate actors—including criminal gangs, the military, and foreign governments—interfere with or prevent elected representatives from adopting and implementing legislation and making meaningful policy decisions?

2. Is the government free from pervasive corruption?

- Has the government implemented effective anticorruption laws or programs to prevent, detect, and punish corruption among public officials, including conflict of interest?
- Is the government free from excessive bureaucratic regulations, registration requirements, or other controls that increase opportunities for corruption?
- Are there independent and effective auditing and investigative bodies that function without impediment or political pressure or influence?
- Are allegations of corruption by government officials thoroughly investigated and prosecuted without prejudice, particularly against political opponents?
- Are allegations of corruption given wide and extensive airing in the media?

- Do whistle-blowers, anticorruption activists, investigators, and journalists enjoy legal protections that make them feel secure about reporting cases of bribery and corruption?
- What was the latest Transparency International Corruption Perceptions Index score for this country?

3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

- Are civil society groups, interest groups, journalists, and other citizens able to comment on and influence pending policies of legislation?
- Do citizens have the legal right and practical ability to obtain information about government operations and the means to petition government agencies for it?
- Is the budget-making process subject to meaningful legislative review and public scrutiny?
- Does the government publish detailed accounting expenditures in a timely fashion?
- Does the state ensure transparency and effective competition in the awarding of government contracts?
- Are the asset declarations of government officials open to public and media scrutiny and verification?

#### **ADDITIONAL DISCRETIONARY POLITICAL RIGHTS QUESTIONS:**

A. For traditional monarchies that have no parties or electoral process, does the system provide for genuine, meaningful consultation with the people, encourage public discussion of policy choices, and allow the right to petition the ruler?

- Is there a non-elected legislature that advises the monarch on policy issues?
- Are there formal mechanisms for individuals or civic groups to speak with or petition the monarch?
- Does the monarch take petitions from the public under serious consideration?

B. Is the government or occupying power deliberately changing the ethnic composition of a country or territory so as to destroy a culture or tip the political balance in favor of another group?

- Is the government providing economic or other incentives to certain people in order to change the ethnic composition of a region or regions?
- Is the government forcibly moving people in or out of certain areas in order to change the ethnic composition of those regions?
- Is the government arresting, imprisoning, or killing members of certain

ethnic groups in order change the ethnic composition of a region or regions?

**CIVIL LIBERTIES CHECKLIST**

**D. FREEDOM OF EXPRESSION AND BELIEF**

1. Are there free and independent media and other forms of cultural expression? (Note: In cases where the media are state controlled but offer pluralistic points of view, the survey gives the system credit.)

- Does the government directly or indirectly censor print, broadcast, and/or internet-based media?
- Is self-censorship among journalists common, especially when reporting on politically sensitive issues, including corruption or the activities of senior officials?
- Does the government use libel and security laws to punish those who scrutinize government officials and policies through either onerous fines or imprisonment?
- Is it a crime to insult the honor and dignity of the president and/or other government officials? How broad is the range of such prohibitions, and how vigorously are they enforced?
- If media outlets are dependent on the government for their financial survival, does the government withhold funding in order to propagandize, primarily provide official points of view, and/or limit access by opposition parties and civic critics?
- Does the government attempt to influence media content and access through means including politically motivated awarding of broadcast frequencies and newspaper registrations, unfair control and influence over printing facilities and distribution networks, selective distribution of advertising, onerous registration requirements, prohibitive tariffs, and bribery?
- Are journalists threatened, arrested, imprisoned, beaten, or killed by government or nongovernmental actors for their legitimate journalistic activities, and if such cases occur, are they investigated and prosecuted fairly and expeditiously?
- Are works of literature, art, music, or other forms of cultural expression censored or banned for political purposes?

2. Are religious institutions and communities free to practice their faith and express themselves in public and private?

- Are registration requirements employed to impede the free functioning of religious institutions?
- Are members of religious groups, including minority faiths and movements, harassed, fined, arrested, or beaten by the authorities for engaging in their religious practices?

- Does the government appoint or otherwise influence the appointment of religious leaders?
- Does the government control the production and distribution of religious books and other materials and the content of sermons?
- Is the construction of religious buildings banned or restricted?
- Does the government place undue restrictions on religious education? Does the government require religious education?

3. Is there academic freedom, and is the educational system free of extensive political indoctrination?

- Are teachers and professors free to pursue academic activities of a political and quasi-political nature without fear of physical violence or intimidation by state or nonstate actors?
- Does the government pressure, strongly influence, or control the content of school curriculums for political purposes?
- Are student associations that address issues of a political nature allowed to function freely?
- Does the government, including through school administration or other officials, pressure students and/or teachers to support certain political figures or agendas, including pressuring them to attend political rallies or vote for certain candidates? Conversely, does the government, including through school administration or other officials, discourage or forbid students and/or teachers from supporting certain candidates and parties?

4. Is there open and free private discussion?

- Are people able to engage in private discussions, particularly of a political nature (in places including restaurants, public transportation, and their homes), without fear of harassment or arrest by the authorities?

surveillance and to report alleged antigovernment conversations to the authorities?

#### **E. ASSOCIATIONS AND ORGANIZATIONAL RIGHTS**

1. Is there freedom of assembly, demonstration, and open public discussion?

- Are peaceful protests, particularly those of a political nature, banned or severely restricted?
- Are the legal requirements to obtain permission to hold peaceful demonstrations particularly cumbersome and time consuming?
- Are participants of peaceful demonstrations intimidated, arrested, or assaulted?

- Are peaceful protestors detained by police in order to prevent them from engaging in such actions?

2. Is there freedom for nongovernmental organizations? (*Note:* This includes civic organizations, interest groups, foundations, etc.)

- Are registration and other legal requirements for nongovernmental organizations particularly onerous and intended to prevent them from functioning freely?
- Are laws related to the financing of nongovernmental organizations unduly complicated and cumbersome?
- Are donors and funders of nongovernmental organizations free of government pressure?
- Are members of nongovernmental organizations intimidated, arrested, imprisoned, or assaulted because of their work?

3. Are there free-trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

- Are trade unions allowed to be established and to operate free from government interference?
- Are workers pressured by the government or employers to join or not to join certain trade unions, and do they face harassment, violence, or dismissal from their jobs if they do?
- Are workers permitted to engage in strikes, and do members of unions face reprisals for engaging in peaceful strikes? (*Note:* This question may not apply to workers in essential government services or public-safety jobs.)
- Are unions able to bargain collectively with employers and able to negotiate collective bargaining agreements that are honored in practice?
- For states with very small populations or primarily agriculturally based economies that do not necessarily support the formation of trade unions, does the government allow for the establishment of peasant organizations or their equivalents? Is there legislation expressly forbidding the formation of trade unions?
- Are professional organizations, including business associations, allowed to operate freely and without government interference?

## **F. RULE OF LAW**

1. Is there an independent judiciary?

- Is the judiciary subject to interference from the executive branch of government or from other political, economic, or religious influences?



- Are judges appointed and dismissed in a fair and unbiased manner?
- Do judges rule fairly and impartially, or do they commonly render verdicts that favor the government or particular interests, whether in return for bribes or other reasons?
- Do executive, legislative, and other governmental authorities comply with judicial decisions, and are these decisions effectively enforced?
- Do powerful private concerns comply with judicial decisions, and are decisions that run counter to the interests of powerful actors effectively enforced?

2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

- Are defendants' rights, including the presumption of innocence until proven guilty, protected?
- Are detainees provided access to independent, competent legal counsel?
- Are defendants given a fair, public, and timely hearing by a competent, independent, and impartial tribunal?
- Are prosecutors independent of political control and influence?
- Are prosecutors independent of powerful private interests, whether legal or illegal?
- Is there effective and democratic civilian state control of law enforcement officials through the judicial, legislative, and executive branches?
- Are law enforcement officials free from the influence of nonstate actors, including organized crime, powerful commercial interests, or other groups?

3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

- Do law enforcement officials make arbitrary arrests and detentions without warrants or fabricate or plant evidence on suspects?
- Do law enforcement officials beat detainees during arrest and interrogation or use excessive force or torture to extract confessions?
- Are conditions in pretrial facilities and prisons humane and respectful of the human dignity of inmates?
- Do citizens have the means of effective petition and redress when their rights are violated by state authorities?
- Is violent crime either against specific groups or within the general population widespread?
- Is the population subjected to physical harm, forced removal, or other acts of violence or terror due to civil conflict or war?

4. Do laws, policies, and practices guarantee equal treatment of various segments of the population?

- Are members of various distinct groups—including ethnic and religious minorities, homosexuals, and the disabled—able to exercise effectively their human rights with full equality before the law?
- Is violence against such groups widespread, and if so, are perpetrators brought to justice?
- Do members of such groups face legal and/or de facto discrimination in areas including employment, education, and housing because of their identification with a particular group?
- Do women enjoy full equality in law and in practice as compared to men?
- Do noncitizens—including migrant workers and noncitizen immigrants—enjoy basic internationally recognized human rights, including the right not to be subjected to torture or other forms of ill-treatment, the right to due process of law, and the rights of freedom of association, expression, and religion?
- Do the country's laws provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention Relating to the Status of Refugees, its 1967 Protocol, and other regional treaties regarding refugees? Has the government established a system for providing protection to refugees, including against *refoulement* (the return of persons to a country where there is reason to believe they fear persecution)?

#### G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS

1. Do citizens enjoy freedom of travel or choice of residence, employment, or institution of higher education?

- Are there restrictions on foreign travel, including the use of an exit visa system, which may be issued selectively?
- Is permission required from the authorities or nonstate actors to move within the country?
- Do state or nonstate actors determine or otherwise influence a person's type and place of employment?
- Are bribes or other inducements needed to obtain the necessary documents to travel, change one's place of residence or employment, enter institutions of higher education, or advance in school?

2. Do citizens have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

- Are people legally allowed to purchase and sell land and other property, and can they do so in practice without undue interference from the government or nonstate actors?

- Does the government provide adequate and timely compensation to people whose property is expropriated under eminent domain laws?
- Are people legally allowed to establish and operate private businesses with a reasonable minimum of registration, licensing, and other requirements?
- Are bribes or other inducements needed to obtain the necessary legal documents to operate private businesses?
- Do private/nonstate actors, including criminal groups, seriously impede private business activities through such measures as extortion?

3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

- Is violence against women, including wife-beating and rape, widespread, and are perpetrators brought to justice?
- Is the trafficking of women and/or children abroad for prostitution widespread, and is the government taking adequate efforts to address the problem?
- Do women face de jure and de facto discrimination in economic and social matters, including property and inheritance rights, divorce proceedings, and child custody matters?
- Does the government directly or indirectly control choice of marriage partners through means such as requiring large payments to marry certain individuals (e.g., foreign citizens) or by not enforcing laws against child marriage or dowry payments?
- Does the government determine the number of children that a couple may have?
- Does the government engage in state-sponsored religious/cultural/ethnic indoctrination and related restrictions on personal freedoms?
- Do private institutions, including religious groups, unduly infringe on the rights of individuals, including choice of marriage partner, dress, etc.?

4. Is there equality of opportunity and the absence of economic exploitation?

- Does the government exert tight control over the economy, including through state ownership and the setting of prices and production quotas?
- Do the economic benefits from large state industries, including the energy sector, benefit the general population or only a privileged few?
- Do private interests exert undue influence on the economy through monopolistic practices, cartels, or illegal blacklists, boycotts, or discrimination?
- Is entrance to institutions of higher education or the ability to obtain employment limited by widespread nepotism and the payment of bribes?

- Are certain groups, including ethnic or religious minorities, less able to enjoy certain economic benefits than others? For example, are certain groups restricted from holding particular jobs, whether in the public or the private sector, because of de jure or de facto discrimination?
- Do state or private employers exploit their workers through activities including unfairly withholding wages and permitting or forcing employees to work under unacceptably dangerous conditions, as well as through adult slave labor and child labor?

**KEY TO SCORES, PR AND CL RATINGS, AND STATUS**

**Table 1**

<b>Political Rights (PR)</b>		<b>Civil Liberties (CL)</b>	
<b>Total Scores</b>	<b>PR Rating</b>	<b>Total Scores</b>	<b>CL Rating</b>
36-40	1	53-60	1
30-35	2	44-52	2
24-29	3	35-43	3
18-23	4	26-34	4
12-17	5	17-25	5
6-11	6	8-16	6
0-5*	7	0-7	7

**Table 2**

**Table 3**

<b>Combined Average of the PR and CL Ratings</b>	<b>Country Status</b>
1.0-2.5	Free
3.0-5.0	Partly Free
5.5-7.0	Not Free

\* It is possible for a country's total political rights score to be less than zero (between -1 and -4) if it receives mostly or all zeros for each of the 10 political rights questions *and* it receives a sufficiently negative score for political rights discretionary question B. In such a case, a country would still receive a final political rights rating of 7.

# Tables and Ratings

## Table of Independent Countries

Country	PR	CL	Freedom Rating	Country	PR	CL	Freedom Rating
Afghanistan	5	6▼	Not Free▼	Dominica*	1	1	Free
Albania*	3	3	Partly Free	Dominican Republic*	2	2	Free
Algeria	6	5	Not Free	East Timor*	3	4	Partly Free
Andorra*	1	1	Free	Ecuador*	3	3	Partly Free
Angola	6	5	Not Free	Egypt	6	5	Not Free
Antigua and Barbuda*	2	2	Free	El Salvador*	2	3	Free
Argentina*	2	2	Free	Equatorial Guinea	7	7▼	Not Free
Armenia	6▼	4	Partly Free	Eritrea	7	6	Not Free
Australia*	1	1	Free	Estonia*	1	1	Free
Austria*	1	1	Free	Ethiopia	5	5	Partly Free
Azerbaijan	6	5	Not Free	Fiji	6	4	Partly Free
Bahamas*	1	1	Free	Finland*	1	1	Free
Bahrain	5	5	Partly Free	France*	1	1	Free
Bangladesh*	4▲	4	Partly Free	Gabon	6	4	Partly Free
Barbados*	1	1	Free	The Gambia	5	4	Partly Free
Belarus	7	6	Not Free	Georgia	4	4	Partly Free
Belgium*	1	1	Free	Germany*	1	1	Free
Belize*	1	2	Free	Ghana*	1	2	Free
Benin*	2	2	Free	Greece*	1	2	Free
Bhutan	4▲	5	Partly Free▲	Grenada*	1	2	Free
Bolivia*	3	3	Partly Free	Guatemala*	3	4	Partly Free
Bosnia-Herzegovina*	4	3	Partly Free	Guinea	7▼	5	Not Free
Botswana*	2	2	Free	Guinea-Bissau*	4	4	Partly Free
Brazil*	2	2	Free	Guyana*	2	3	Free
Brunei	6	5	Not Free	Haiti*	4	5	Partly Free
Bulgaria*	2▼	2	Free	Honduras*	3	3	Partly Free
Burkina Faso	5	3	Partly Free	Hungary*	1	1	Free
Burma	7	7	Not Free	Iceland*	1	1	Free
Burundi*	4	5	Partly Free	India*	2	3	Free
Cambodia	6	5	Not Free	Indonesia*	2	3	Free
Cameroon	6	6	Not Free	Iran	6	6	Not Free
Canada*	1	1	Free	Iraq	6	6	Not Free
Cape Verde*	1	1	Free	Ireland*	1	1	Free
Central African Republic	5	5	Partly Free	Israel*	1	2	Free
Chad	7	6	Not Free	Italy*	1	2▼	Free
Chile*	1	1	Free	Jamaica*	2	3	Free
China	7	6	Not Free	Japan*	1	2	Free
Colombia*	3	4▼	Partly Free	Jordan	5	5▼	Partly Free
Comoros*	3▲	4	Partly Free	Kazakhstan	6	5	Not Free
Congo (Brazzaville)	6	5	Not Free	Kenya	4	3	Partly Free
Congo (Kinshasa)	6▼	6	Not Free	Kiribati*	1	1	Free
Costa Rica*	1	1	Free	Kuwait	4	4	Partly Free
Cote d'Ivoire	6▲	5	Not Free	Kyrgyzstan	5	4	Partly Free
Croatia*	2	2	Free	Laos	7	6	Not Free
Cuba	7	6▲	Not Free	Latvia*	2	1	Free
Cyprus*	1	1	Free	Lebanon	5	4	Partly Free
Czech Republic*	1	1	Free	Lesotho*	2	3	Free
Denmark*	1	1	Free	Liberia*	3	4	Partly Free
Djibouti	5	5	Partly Free	Libya	7	7	Not Free
				Liechtenstein*	1	1	Free

Country	PR	CL	Freedom Rating	Country	PR	CL	Freedom Rating
Lithuania*	1	1	Free	Seychelles*	3	3	Partly Free
Luxembourg*	1	1	Free	Sierra Leone*	3	3	Partly Free
⚡Macedonia*	3	3	Partly Free	⚡Singapore	5	4	Partly Free
⚡Madagascar*	4	3	Partly Free	Slovakia*	1	1	Free
Malawi*	4	4	Partly Free	Slovenia*	1	1	Free
⚡Malaysia	4	4	Partly Free	Solomon Islands	4	3	Partly Free
Maldives	4▲	4▲	Partly Free▲	Somalia	7	7	Not Free
Mali*	2	3	Free	South Africa*	2	2	Free
Malta*	1	1	Free	South Korea*	1	2	Free
Marshall Islands*	1	1	Free	Spain*	1	1	Free
Mauritania	6▼	5▼	Not Free▼	Sri Lanka*	4	4	Partly Free
Mauritius*	1	2	Free	Sudan	7	7	Not Free
⚡Mexico*	2	3	Free	Suriname*	2	2	Free
Micronesia*	1	1	Free	Swaziland	7	5	Not Free
Moldova*	4▼	4	Partly Free	Sweden*	1	1	Free
Monaco*	2	1	Free	Switzerland*	1	1	Free
Mongolia*	2	2	Free	Syria	7	6	Not Free
Montenegro*	3	3	Partly Free	Taiwan*	2	1	Free
Morocco	5	4	Partly Free	Tajikistan	6	5	Not Free
Mozambique*	3	3	Partly Free	Tanzania	4	3	Partly Free
⚡Namibia*	2	2	Free	Thailand	5▲	4	Partly Free
Nauru*	1	1	Free	Togo	5	5	Partly Free
Nepal	4▲	4	Partly Free	Tonga	5	3	Partly Free
Netherlands*	1	1	Free	Trinidad and Tobago*	2	2	Free
New Zealand*	1	1	Free	Tunisia	7	5	Not Free
Nicaragua*	4▼	3	Partly Free	Turkey*	3	3	Partly Free
Niger*	3	4	Partly Free	Turkmenistan	7	7	Not Free
Nigeria	5▼	4	Partly Free	Tuvalu*	1	1	Free
North Korea	7	7	Not Free	Uganda	5	4	Partly Free
Norway*	1	1	Free	Ukraine*	3	2	Free
Oman	6	5	Not Free	United Arab Emirates	6	5	Not Free
Pakistan	4▲	5	Partly Free▲	United Kingdom*	1	1	Free
Palau*	1	1	Free	United States*	1	1	Free
Panama*	1	2	Free	Uruguay*	1	1	Free
Papua New Guinea*	4▼	3	Partly Free	Uzbekistan	7	7	Not Free
⚡Paraguay*	3	3	Partly Free	Vanuatu*	2	2	Free
Peru*	2	3	Free	⚡Venezuela	4	4	Partly Free
Philippines	4	3	Partly Free	Vietnam	7	5	Not Free
Poland*	1	1	Free	Yemen	5	5	Partly Free
Portugal*	1	1	Free	Zambia*	3	3▲	Partly Free
Qatar	6	5	Not Free	⚡Zimbabwe	7	6	Not Free
Romania*	2	2	Free				
⚡Russia	6	5	Not Free				
Rwanda	6	5	Not Free				
St. Kitts and Nevis*†	1	1	Free				
St. Lucia*	1	1	Free				
St. Vincent and the Grenadines*	2	1	Free				
Samoa*	2	2	Free				
San Marino*	1	1	Free				
Sao Tome and Principe*	2	2	Free				
Saudi Arabia	7	6	Not Free				
Senegal*	3▼	3	Free▼				
Serbia*	3	2	Free				

PR and CL stand for Political Rights and Civil Liberties, respectively; 1 represents the most free and 7 the least free rating. The ratings reflect an overall judgment based on survey results.

▲▼ up or down indicates a change in Political Rights, Civil Liberties, or Status since the last survey.

⚡ up or down indicates a trend of positive or negative changes that took place but were not sufficient to result in a change in Political Rights or Civil Liberties of 1-7.

\* indicates a country's status as an electoral democracy.

Note: The ratings reflect global events from January 1, 2008, through December 31, 2008.

Table of Related Territories

Country	PR	CL	Freedom Rating
China			
Hong Kong	5	2	Partly Free
United States			
Puerto Rico	1	1	Free

Table of Disputed Territories

Country	PR	CL	Freedom Rating
Armenia/Azerbaijan			
Nagorno-Karabakh	5	5	Partly Free
China			
Tibet	7	7	Not Free
Cyprus			
Northern (Turkish) Cyprus	2	2	Free
Georgia			
Abkhazia	5	5	Partly Free
South Ossetia	7	6	Not Free
India			
Kashmir	5	4	Partly Free
Israel			
Israeli-Occupied Territories	6	6	Not Free
Palestinian Authority-Administered Territories	5	6	Not Free
Moldova			
Transnistria	6	6	Not Free
Morocco			
Western Sahara	7	6	Not Free
Pakistan			
Kashmir	6▲	5	Not Free
Russia			
Chechnya	7	7	Not Free
Serbia			
Kosovo	6	5	Not Free
Somalia			
Somaliland	5▼	4	Partly Free

Combined Average Ratings: Independent Countries			
FREE	Israel	Seychelles	Fiji
1.0	Italy	Sierra Leone	Gabon
Andorra	Japan	Turkey	Jordan
Australia	Latvia	Zambia	Togo
Austria	Monaco		Yemen
Bahamas	Panama	3.5	
Barbados	St. Vincent and the	Bosnia-Herzegovina	NOT FREE
Belgium	Grenadines	Colombia	5.5
Canada	South Korea	Comoros	Afghanistan
Cape Verde	Taiwan	East Timor	Algeria
Chile		Guatemala	Angola
Costa Rica	2.0	Kenya	Azerbaijan
Cyprus	Antigua and Barbuda	Liberia	Brunei
Czech Republic	Argentina	Madagascar	Cambodia
Denmark	Benin	Nicaragua	Congo (Brazzaville)
Dominica	Botswana	Niger	Cote d'Ivoire
Estonia	Brazil	Papua New Guinea	Egypt
Finland	Bulgaria	Philippines	Kazakhstan
France	Croatia	Solomon Islands	Mauritania
Germany	Dominican Republic	Tanzania	Oman
Hungary	Mauritius		Qatar
Iceland	Mongolia	4.0	Russia
Ireland	Namibia	Bangladesh	Rwanda
Kiribati	Romania	Burkina Faso	Tajikistan
Liechtenstein	Samoa	Georgia	United Arab Emirates
Lithuania	Sao Tome and	Guinea-Bissau	
Luxembourg	Principe	Kuwait	6.0
Malta	South Africa	Malawi	Cameroon
Marshall Islands	Suriname	Malaysia	Congo (Kinshasa)
Micronesia	Trinidad and Tobago	Maldives	Guinea
Nauru	Vanuatu	Moldova	Iran
Netherlands		Nepal	Iraq
New Zealand	2.5	Sri Lanka	Swaziland
Norway	El Salvador	Tonga	Tunisia
Palau	Guyana	Venezuela	Vietnam
Poland	India		
Portugal	Indonesia	4.5	6.5
Saint Kitts and	Jamaica	Bhutan	Belarus
Nevis	Lesotho	Burundi	Chad
Saint Lucia	Mali	The Gambia	China
San Marino	Mexico	Haiti	Cuba
Slovakia	Peru	Kyrgyzstan	Eritrea
Slovenia	Serbia	Lebanon	Laos
Spain	Ukraine	Morocco	Saudi Arabia
Sweden		Nigeria	Syria
Switzerland	PARTLY FREE	Pakistan	Zimbabwe
Tuvalu	3.0	Singapore	
United Kingdom	Albania	Thailand	7.0
United States	Bolivia	Uganda	Burma
Uruguay	Ecuador		Equatorial Guinea
	Honduras	5.0	Libya
1.5	Macedonia	Armenia	North Korea
Belize	Montenegro	Bahrain	Somalia
Ghana	Mozambique	Central African Republic	Sudan
Greece	Paraguay	Djibouti	Turkmenistan
Grenada	Senegal	Ethiopia	Uzbekistan



### Combined Average Ratings: Related Territories

**FREE**

1.0

Puerto Rico (US)

**PARTLY FREE**

3.5

Hong Kong (China)

### Combined Average Ratings: Disputed Territories

<b>FREE</b>	<b>PARTLY FREE</b>	<b>NOT FREE</b>
2.0	4.5	5.5
Cyprus (Northern [Turkish] Cyprus)	Kashmir (India) Somaliland (Somalia)	Kashmir (Pakistan) Kosovo (Serbia) Palestinian Authority- Administered Territories (Israel)
	5.0	6.0
	Abkhazia (Georgia) Nagorno-Karabakh (Armenia/Azerbaijan)	Israeli-Occupied Territories (Israel) Transnistria (Moldova)
		6.5
		South Osetia (Georgia) Western Sahara (Morocco)
		7.0
		Chechnya (Russia) Tibet (China)

## Electoral Democracies (119)

Albania	Iceland
Andorra	India
Antigua and Barbuda	Indonesia
Argentina	Ireland
Australia	Israel
Austria	Italy
Bahamas	Jamaica
Bangladesh	Japan
Barbados	Kiribati
Belgium	Latvia
Belize	Lesotho
Benin	Liberia
Bolivia	Liechtenstein
Bosnia-Herzegovina	Lithuania
Botswana	Luxembourg
Brazil	Macedonia
Bulgaria	Madagascar
Burundi	Malawi
Canada	Mali
Cape Verde	Malta
Chile	Marshall Islands
Colombia	Mauritius
Comoros	Mexico
Costa Rica	Micronesia
Croatia	Moldova
Cyprus	Monaco
Czech Republic	Mongolia
Denmark	Montenegro
Dominica	Mozambique
Dominican Republic	Namibia
East Timor	Nauru
Ecuador	Netherlands
El Salvador	New Zealand
Estonia	Nicaragua
Finland	Niger
France	Norway
Germany	Palau
Ghana	Panama
Greece	Papua New Guinea
Grenada	Paraguay
Guatemala	Peru
Guinea-Bissau	Poland
Guyana	Portugal
Haiti	Romania
Honduras	St. Kitts and Nevis
Hungary	St. Lucia

St. Vincent and the Grenadines  
Samoa  
San Marino  
Sao Tome and Principe  
Senegal  
Serbia  
Seychelles  
Sierra Leone  
Slovakia  
Slovenia  
South Africa  
South Korea  
Spain  
Sri Lanka

Suriname  
Sweden  
Switzerland  
Taiwan  
Trinidad and Tobago  
Turkey  
Tuvalu  
Ukraine  
United Kingdom  
United States  
Uruguay  
Vanuatu  
Zambia

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- International Network for Higher Education in Africa, [www.bc.edu/bc\\_org/avp/soe/cihe/inhea/](http://www.bc.edu/bc_org/avp/soe/cihe/inhea/)
- International Organization for Migration, [www.iom.int](http://www.iom.int)
- International Press Institute, [www.freemedia.at](http://www.freemedia.at)
- International Republican Institute, [www.iri.org](http://www.iri.org)
- International Society For Fair Elections And Democracy [Georgia], [www.isfed.ge](http://www.isfed.ge)
- Jamestown Foundation, [www.jamestown.org](http://www.jamestown.org)
- Kashmir Study Group, [www.kashmirstudygroup.net](http://www.kashmirstudygroup.net)
- Kyrgyz Committee for Human Rights, [www.kchr.elcat.kg](http://www.kchr.elcat.kg)
- Macedonian Information Agency, [www.mia.mk](http://www.mia.mk)
- The Malawi Human Rights Commission
- Malta Data, [www.maldata.com](http://www.maldata.com)
- Media Institute of Southern Africa, [www.misa.org](http://www.misa.org)
- Media Rights Agenda [Nigeria], [www.mediarightsagenda.org](http://www.mediarightsagenda.org)
- Migrant Assistance Programme Thailand, [www.mapfoundationcm.org/eng/top/index.html](http://www.mapfoundationcm.org/eng/top/index.html)
- Millennium Challenge Corporation, [www.mcc.gov](http://www.mcc.gov)
- MONUC, [monuc.unmissions.org/](http://monuc.unmissions.org/)
- National Anti-Corruption Network [Burkina Faso], [www.renlac.org](http://www.renlac.org)
- National Democratic Institute for International Affairs, [www.ndi.org](http://www.ndi.org)
- The National Endowment for Democracy, [www.ned.org](http://www.ned.org)
- National Human Rights Commission [India], [www.nhrc.nic.in](http://www.nhrc.nic.in)
- National Organization for Human Rights in Syria, [www.nohr-s.org](http://www.nohr-s.org)
- National Peace Council of Sri Lanka, [www.peace-srilanka.org](http://www.peace-srilanka.org)
- National Society for Human Rights [Namibia], [www.nshr.org.na](http://www.nshr.org.na)
- Nicaragua Network, [www.nicanet.org](http://www.nicanet.org)
- Observatory for the Protection of Human Rights Defenders, [www.omct.org](http://www.omct.org)
- Odhikar [Bangladesh], [www.odhikar.org](http://www.odhikar.org)
- Office of the High Representative in Bosnia and Herzegovina, [www.ohr.int](http://www.ohr.int)
- Open Society Institute, [www.soros.org](http://www.soros.org)
- Organization for Economic Cooperation and Development, [www.oecd.org](http://www.oecd.org)
- Organization for Security and Cooperation in Europe, [www.osce.org](http://www.osce.org)
- Pacific Media Watch, [www.pmw.c20.org](http://www.pmw.c20.org)
- People's Forum for Human Rights [Bhutan]
- Population Reference Bureau, [www.prb.org](http://www.prb.org)
- Publish What You Pay Campaign, [www.publishwhatyoupay.org](http://www.publishwhatyoupay.org)
- Refugees International, [www.refugeesinternational.org](http://www.refugeesinternational.org)
- Reporters Sans Frontieres, [www.rsf.org](http://www.rsf.org)
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- Save the Children, [www.savethechildfen.org](http://www.savethechildfen.org)
- Shan Women's Action Network, [www.shanwomen.org](http://www.shanwomen.org)
- South African Human Rights Commission, [www.sahrc.org.za](http://www.sahrc.org.za)
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- Transitions Online, [www.tol.cz](http://www.tol.cz)
- Transparency International, [www.transparency.org](http://www.transparency.org)
- Turkish Ministry of Foreign Affairs, [www.mfa.gov.tr](http://www.mfa.gov.tr)
- United Nations Development Program, [www.undp.org](http://www.undp.org)
- United Nations High Commissioner for Refugees, [www.unhcr.org](http://www.unhcr.org)
- United Nations High Commissioner on Human Rights, [www.unhchr.ch](http://www.unhchr.ch)
- United Nations Interim Mission in Kosovo, [www.unmikonline.org](http://www.unmikonline.org)
- United Nations Population Division, [www.un.org/esa/population](http://www.un.org/esa/population)
- United Nations Security Council, [www.un.org](http://www.un.org)
- U.S. Agency for International Development, [www.usaid.org](http://www.usaid.org)
- U.S. Department of State, [www.state.gov](http://www.state.gov)
- University Teachers for Human Rights-Jaffna, [www.uthr.org](http://www.uthr.org)
- Washington Office on Latin America, [www.wola.org](http://www.wola.org)
- The World Bank, [www.worldbank.org](http://www.worldbank.org)
- World Markets Research Centre, [www.wmrc.com](http://www.wmrc.com)
- World Press Freedom Committee, [www.wpfc.org](http://www.wpfc.org)

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