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Iraq

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Iraq, with a population of approximately 25 million, is a republic with a freely elected government led by Prime Minister Nouri Jawad al-Maliki. The current administration assumed office on May 20, after the Council of Representatives (CoR) approved a unity government composed of the major political parties. The December 15, 2005, CoR elections establishing this government met internationally recognized electoral standards for free and fair elections, and the results of the elections reflected the will of the voters, according to the final report of the International Mission for Iraqi Elections. During the year, sectarian violence increased and deepened.

Widespread violence seriously compromised the government's ability to protect human rights. Sectarian-driven violence, acts of terrorism, and revenge by armed groups in a climate of criminality and impunity undercut government efforts to establish and maintain the rule of law. On one side, predominantly Sunni Arab groups such as Al-Qa'ida in Iraq, irreconcilable remnants of the Ba'thist regime, and insurgents waging guerrilla warfare violently opposed the government and targeted Shi'a communities. The other, predominantly Shi'a militias with some ties to the Iraqi Security Forces (ISF), targeted Sunnis in large-scale death squad and kidnapping activities. While the law provides for civilian authorities' control over the security forces, there were many instances in which elements of the security forces acted independently.

The February 22 bombing of the Al-Askariya Shrine in Samarra set off a series of violent attacks that continued throughout the year. An increased level of sectarianism resulted in significant population displacements. Estimates of those displaced after the bombing ranged widely from 380,000 to 500,000 persons.

Insurgents and terrorists increased their bombing and targeting of markets, mosques, and religious pilgrims, largely on a sectarian basis. In addition to these attacks, death squads and terrorist groups attacked and killed shoppers and ordinary citizens such as bakers, street cleaners, and storeowners, again largely on a sectarian basis. These attacks caused thousands of deaths, principally in Baghdad, but also across the country in Kirkuk, Mosul, and in the South and to the northwest of Baghdad, reflecting a marked increase in extrajudicial killings over the previous year.

The government was unable to diminish these violent attacks, although large efforts were made to implement better security measures, particularly in Baghdad. The prime minister, with the concurrence of the CoR, renewed each month the "state of emergency" originally declared in November 2004, excluding the provinces of the Kurdish Regional Government (KRG). The state of emergency allows the prime minister to impose curfews and restrictions on public gatherings, associations, unions, and other entities; to put a preventive freeze on assets; to impose monitoring of and seizure of means of communication; and to have all armed forces directly report to him.

On November 5, the Iraqi Higher Tribunal found Saddam Hussein, whose regime murdered, tortured, and caused the disappearance of hundreds of thousands of persons, guilty of ordering the execution of 148 men and boys in Ad-Dujayl in 1982. On December 30, Hussein was executed.

During the year, the following significant human rights problems were reported: Pervasive climate of violence; misappropriation of official authority by sectarian, criminal, terrorist, and insurgent groups; arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; impunity; poor conditions in pretrial detention facilities; arbitrary arrest and detention; denial of fair public trial; an immature judicial system lacking capacity; limitations on freedoms of speech, press, assembly, and association due to terrorist and militia violence; restrictions on religious freedom; large numbers of internally displaced persons (IDPs); lack of transparency and widespread corruption at all levels of government; constraints on nongovernmental organizations (NGOs); discrimination against women, ethnic, and religious minorities; and limited exercise of labor rights.

The constitution and law provide a strong framework for the free exercise of human rights, and many citizens contributed to efforts to help build institutions to protect those rights. As well, the Ministry of Interior (MoI) and Ministry of Defense (MoD) both increased the numbers of trained security forces, which can be directed to establish an improved rule of law environment. Nonetheless, during the year, government institutions were greatly stressed and faced difficulty in successfully responding to the challenges presented by widespread human rights abuses.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The year was characterized by a climate of increasing violence, principally carried out by Sunni insurgents, Shi'a militias, terrorists, criminal elements, death squads, and errant government agents. The level of extrajudicial killings increased markedly over the previous year, according to numerous independent studies, but there is no consensus on the correct figures. During the year, according to the UN Assistance Mission for Iraq (UNAMI), citing Ministry of Health (MoH) and the Baghdad Medical Legal Institute data, 34,452 civilians were violently killed (16,867 in Baghdad).

There were also other estimates of violent deaths directly attributed to the conflict. A government report presented a total of 14,298 violent civilian deaths directly attributed to the conflict. The large variation in numbers reflected different criteria for inclusion in the total (e.g., exclusion of deaths attributed to criminality), as well as uncertainty about additionality of hospital/morgue counts, among other possibilities.

Unauthorized government agent involvement in extrajudicial killings throughout the country was widely reported. Shi'a sectarian militias such as the oppositionist Jaysh al-Mahdi (Mahdi's Army) and the Badr Corps continued to be prevalent in the ISF, particularly in the center and south of the country. For example, killings and kidnappings in Basrah were carried out by militia members wearing police uniforms and driving police cars.

Mol-affiliated death squads targeted Sunnis and conducted kidnapping raids and killings in Baghdad and its environs, largely with impunity. On May 7, then minister of interior Bayan Jabr announced to the press the arrest of a major general and 17 other ministry employees implicated in kidnapping and "death squad activities." Jabr also noted that that the Mol had found a terror group in its 16th Brigade that carried out "killings of citizens". On October 4, the Mol announced its decision to dissolve the 8th Brigade of the police for its support of death squads, and sent hundreds of personnel from that brigade to training. No results of the investigation of the brigade, or of the other arrests, were available by year's end.

In Irbil, Sulaymaniyah, and Dohuk, the three provinces comprising the KRG area of the country, there were fewer reports of violence than elsewhere. However, the KRG security forces were sometimes accused of using excessive force that resulted in deaths. For example, on March 16, at a student protest in Halabja, KRG security forces fired into the crowd when the protest turned violent, killing one student and injuring several others.

Insurgent and terrorist bombings, executions, and killings were a daily occurrence throughout all regions and sectors of society. Apart from attacks in Baghdad, the Sunni insurgency and terrorists launched numerous attacks in Anbar and Diyala provinces, and in Mosul and Kirkuk--areas noted for their high level of violence. A large number of attacks targeting Shi'a civilians were attributable to the jihadist Al-Qa'ida in Iraq, in furtherance of its stated goal to spark a sectarian conflict, weaken the government, force the Coalition to withdraw, and establish a base for transnational terror operations. Other insurgent and terrorist groups also were involved in the violence. These groups targeted government workers, ordinary citizens, and members of the ISF among other groups.

According to government reports, 1,455 police officers were killed in targeted attacks during the year. For example, in a suicide bombing attack January 5 against a police recruitment center in Ramadi, 82 persons, many of whom were police, were killed, and 70 were wounded. Potential recruits were also widely targeted. For example, 23 potential police recruits were abducted, shot, and killed north of Baghdad on January 23.

The February 22 terrorist bombing of the al-Askariya Shrine in Samarra provoked a rise in sectarian violence. The al-Askariya Shrine represents one of the most revered sites for those of the Shi'a faith. Hours after the bombing of the holy shrine, a number of attackers, reportedly from the Jaysh al-Mahdi militia, conducted extensive raids and killings in Sunni neighborhoods in Baghdad.

In the months that followed the bombing, a cycle of daily sectarian retaliatory attacks resulted between Shi'a and Sunni. Sunni terrorist groups continued to engage in a number of bomb and mortar attacks on dense Shi'a neighborhoods. In a few examples among hundreds, on March 12, car bombs detonated at three markets in Baghdad's Shi'a-dominant Sadr City while families were shopping for food. These attacks killed at least 58 individuals and injured 200. On July 1, a car bomb at a crowded market in Sadr City killed 62 and wounded 114 in an explosion claimed by "the Supporters of the Sunni People," ('Ahl al-Sunnah al-Munaserai), a previously unknown group.

Terrorist attacks also targeted religious sites. On July 18, a suicide bomb killed 59 persons in Kufa, near the Shi'a holy city of Najaf, in an attack claimed by Al-Qa'ida. On August 10, 35 persons were killed and 122 injured by bomb blasts near the Imam Ali Shrine in Najaf on a day commemorating the death of Zainab, the Prophet's daughter. The soldiers of the Prophet's Companions (Jamaat Jund al-Sahaba) claimed responsibility.

The actions and apparent growth of predominantly Shi'a militias similarly contributed to the marked rise in violence. In particular, numerous reports indicated that the Jaysh al-Mahdi militia was responsible for a growing number of raids and killings of Sunni citizens in Baghdad and other parts of the country during the year.

Throughout the country terrorist groups conducted sectarian attacks that appeared to be carried out with the intent of instilling fear and chaos in the population. On September 23, a Sadr City attack drew international attention when a suicide bomber killed up to 35 Shi'a women and children as they were waiting in line for cooking gas. On November 23, six car bombs in different parts of Sadr City killed 202 and wounded 250 persons. On December 12, a suicide bomber killed 70 persons and wounded at least 236 in Tayran Square, in Baghdad after attracting a crowd of day laborers to his truck with promises of work. There were numerous reports of terrorists attacking shoppers on the street, shopkeepers, garbage collectors, and others.

There were no publicly known judicial or disciplinary developments in the killings reported in the 2005 Human Rights Report.

b. Disappearance

Kidnappings and disappearances remained a severe problem during the year; the majority of them appeared to be sectarian-related. A very large number of kidnappings were also conducted for ransom. The police solved virtually none of these cases.

During the year, many individuals disappeared, with frequent accusations directed at the police. Many Baghdad residents complained that family members were often taken without an arrest warrant by neighborhood police officers who would later call for a ransom. Numerous reports indicated that rogue police were involved in sectarian-motivated kidnappings. However, since criminals, insurgents, and militia members easily purchased and often wore police uniforms, there was no reliable data on actual police abuses.

In Basrah reports of kidnappings and killings, often by gunmen wearing police uniforms and riding in police vehicles, were a regular occurrence. The motives were reported to be ransom and political intimidation.

Kurdish security forces, including the armed forces (Peshmerga), internal security forces (Asayish) and intelligence services (Parastin/Zanyari), reportedly conducted illegal police operations outside KRG boundaries in the provinces of Ninawa and of Tameen, whose capital is Kirkuk. These operations abducted individuals and detained them in unofficial and undisclosed detention facilities in the KRG.

Incidents of political kidnappings also occurred during the year. For example, on July 1 CoR member Tayseer al-Mashhadani was kidnapped while driving from Diyala to Baghdad. Fellow parliamentarians protested the kidnapping by boycotting CoR sessions for a week. After prolonged negotiation between the government and the kidnappers, she was released on August 26.

Other political figures did not share the same fortune. Ali al-Mahdawi, director of Diyala Health Directorate and Sunni nominee for deputy minister of health, was kidnapped on June 12 from within the MoH in Baghdad, where he was scheduled to meet the minister. This marked the first time that a kidnapping occurred inside a government ministry. His whereabouts remained unknown at year's end.

On March 6, Ahmed al-Mosawi, the head of the Iraq Human Rights Society, was kidnapped from the headquarters of the association. There was no information about his whereabouts at year's end.

During the year there was a marked increase in large-scale kidnappings. For example, on June 5, up to 50 persons were taken from the Salhiya neighborhood in Baghdad. The MoI publicly denied involvement, although residents reported that the assailants wore police uniforms. Several of those taken were later released after having been severely beaten. The whereabouts of the others was unknown at year's end.

On June 21, approximately 70 Ministry of Industry and Minerals employees on their way home from work were stopped at a temporary checkpoint. Gunmen boarded their buses, released the women, and drove off taking the male employees hostage. Approximately half of them were released, and the rest were presumed dead.

Until its fall in 2003, the former regime murdered, tortured, and caused the disappearance of many thousands of persons suspected of or related to persons suspected of opposition politics, economic crimes, military desertion, and a variety of other activities. Mass graves continued to be discovered during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution expressly prohibits torture in all its forms under all circumstances, as well as cruel, inhuman, or degrading treatment. However, there were many, well-documented instances of torture and other abuses by

government agents and by illegal armed groups. The government's ability to respond to the violence with full transparency under strict adherence to the rule of law has been hampered by the nature and breadth of the violence perpetrated by terrorists and death squads, and the lack of capacity, particularly in terms of pretrial detention facilities and maturing but still fragile security forces and institutions.

During the year, local and international human rights organizations continued to report that detainees held in several MoI and MoD detention facilities, as well as in KRG security forces detention facilities, were tortured and abused. Incidents of abuse included application of electric shocks, fingernail extractions, and other severe beatings. In some cases, police threatened and sexually abused detainees and visiting family members.

Serious reports of torture and killings were leveled at MoI's Serious Crime Unit detention facility in Basrah and the Khadamiya National Police detention facility in Baghdad. Former detainees in both facilities reported that they suffered severe beatings, electrocution, sexual assault, and, in some cases, gunshot wounds. There were also similar accusations against MoD facilities, particularly against the 5th Division, 2nd Brigade's detention facility in Baqubah.

Reports of abuse at the point of arrest, particularly by MoI's National Police forces and by MoD's battalion level forces, were common at year's end. Accusations included extreme beatings, sexual assault, and threats of death. There was little indication that MoI or other government officials took disciplinary action in cases alleging abuses, apart from some transfers within the ministry.

On December 25, British and Iraqi forces raided MoI's Serious Crime Unit, based at the Jameat police station in Basrah. The joint forces released 127 prisoners, including juveniles. Many of the prisoners showed signs of torture. The joint forces razed the building explaining that a torture chamber had been discovered in the building, and they did not want to risk it being re-used.

On May 30, a joint inspection team discovered that 1,431 detainees were being held in extremely poor conditions in the Baghdad Central Detention facility, a national police detention facility known as "Site 4." Since Site 4's capacity was only approximately 500 beds, inmates had insufficient space to lie down and instead sat knee-to-knee. Some detainees claimed that they were hung by handcuffs from a hook in the ceiling and beaten on the soles of their feet and their buttocks. Inmates claimed that interrogators killed some detainees. A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MoI personnel and adult prisoners. There were also allegations that some family members of the inmates were also sexually assaulted. Following the inspection of Site 4, the government worked to improve conditions for the detainees, relocating many including juveniles to safer locations. In June arrest warrants were issued for over 50 suspected abusers. However, the MoI had yet to execute any of the arrest warrants by year's end.

Abusive interrogation practices reportedly occurred in some detention facilities run by the two KRG internal security forces and the two KRG intelligence forces. The Parastin/Zanyari forces reportedly operated separate detention facilities and prohibited human rights organizations as well as the human rights ministry from visiting their facilities and inspecting the treatment of detainees.

The KRG permitted visits to its MoI prison system by human rights organizations. The KRG Ministry of Human Rights (MoHR) also visited these prisons. Conditions generally were reported to meet international standards.

Insurgents, terrorists, and some militia members regularly beat, dismembered, beheaded, and electrically drilled and shocked their victims. For example, according to March 28 press reports, 30 decapitated bodies were found near the village of Mulla Eid, near Baqubah, north of Baghdad. A video shown on the Ansar al-Sunna Web site was reported on June 10 to show the beheading of three men who appear to be army soldiers. The blindfolded men identified themselves and said that they were part of a "death squad" before being decapitated. According to Reuters, police reported that the bodies of three persons, including a beheaded woman showing signs of torture, were retrieved on September 7 from the Tigris River near the town of Suwayra, south of Baghdad.

There were no developments in the November 2005 Jadriyah bunker investigation, in which hundreds of detainees were overcrowded and severely malnourished with many showing signs of severe torture and some reported deaths.

The national MoHR continued its own prison inspection program; its reports were not publicly available.

Prison and Detention Center Conditions

Despite a law mandating that detention facilities be under the sole control of the Ministry of Justice (MOJ), detention facilities were operated by four separate ministries: Justice, Interior, Defense, and the Ministry of Labor and Social Affairs (MoLSA) for juvenile detention facilities. Additionally, the KRG operated its own detention facilities. According to the UNAMI March-April report, the general conditions of detention in the country were "not consistent" with international human rights standards. Overcrowding and lack of judicial oversight were principal problems.

Justice ministry prison and detention facilities (otherwise known as the Iraqi Correctional Services or ICS) generally

met internationally accepted standards for basic prisoner needs. Observers believed that, although isolated incidents of guard abuse occurred, this was not a systematic problem. The ICS internal affairs department monitored abuse or violations of UN standards for human rights in prisons. Medical care in MOJ/ICS facilities was satisfactory and in some locations exceeded the community standard. All prisoners received medical screening upon admission, follow up care as necessary, and had access to daily sick call with medical personnel.

However, a number of detention facilities under MoI and MoD control did not meet international standards. There was continued overcrowding. Many lacked adequate food, exercise facilities, medical care, and family visitation. Detainee populations were high due to mass arrests carried out under security and military operations. Limited infrastructure or aging physical plants in some facilities resulted in marginal sanitation, limited access to water and electricity, and poor quality food. Medical care in MoI and MoD detention facilities was not consistently provided, and rape, torture, and abuse, sometimes leading to death, reportedly occurred in some of these detention facilities.

The ICS system operated 11 prisons and pretrial detention facilities, and Kurdish authorities operated seven. The MoD operated 17 holding areas or detention facilities in Baghdad and at least another 13 nationwide for detainees captured during military raids and operations.

At year's end the total number of MoI detention facilities was unknown. Including police station holding stations, official MoI detention locations were estimated to number over 1,000 facilities. Additionally, there were reports of unofficial detention centers throughout the country. Unlawful releases and continued detention beyond the date of ordered release, as well as targeting and kidnapping of Sunni-Arab detainees were reported. However, there were indications during the last months of the year of emerging Jaysh al-Mahdi militia influence within the MOJ prison facility system.

The law mandates that women and juveniles be held separately from men. Although in some cases women were housed in the same detention facility as men, generally they were not. Juveniles were occasionally held with adults. A number of juvenile detainees, mostly young teenagers, alleged sexual abuse at the hands of MoI personnel and adult prisoners. Additionally, pretrial detainees and convicted prisoners were often held in the same facility due to space limitations.

The MOJ/ICS and KRG routinely permitted visits to prisons by representatives of both the national and the KRG ministries of human rights. Access to national MoI detention and pretrial facilities, as well as to similar facilities of the KRG Asayish and intelligence forces, was generally not permitted for domestic and international human rights NGOs or intergovernmental organizations (see section 4).

The KRG MoI and MoLSA detention facilities met international standards for prisoner needs.

The KRG Asayish detention facilities did not provide consistent access to human rights organizations. The KRG MoHR did not visit these facilities. The KRG intelligence groups reportedly maintained separate detention facilities; however, there were no reports of access by outsiders to these facilities. The condition of prisoners and detainees in these facilities was unknown.

d. Arbitrary Arrest or Detention

The constitution provides protection against arbitrary arrest and detention, except in extreme exigent circumstances as provided for in a state of emergency. In practice, there were a number of instances of arbitrary arrest and detention.

Role of the Police and Security Apparatus

During the year the MOI exercised its responsibilities throughout the country except for the KRG area. Such responsibilities include providing internal security through police and domestic intelligence capabilities, and regulating all domestic and foreign private security companies. It also has responsibility for emergency response, border enforcement, dignitary protection, firefighting, and facilities protection. The army, under direction of the MoD, also played a part in providing domestic security. During the year, ISF often did not have sufficient capacity to prevent or respond to societal violence.

Sectarian divisions, personnel and equipment shortages, and unwillingness to serve outside the areas in which they were recruited were problems for all security forces.

The KRG maintained its own security forces as set forth in the constitution. The KRG functioned with two party-based ministries of interior. The Patriotic Union of Kurdistan (PUK) party controlled the ministry with oversight of the province of Sulaymaniyah, and the Kurdish Democratic Party (KDP) controlled the ministry with oversight of the provinces of Irbil and Dohuk. The KRG also maintained two separate army forces and two separate internal security units. All four of these security forces detained and held suspects in custody.

Police effectiveness, particularly the national police, was seriously compromised by militias, sectarianism, and in the

case of the KRG, political party influences. Corruption and a culture of impunity were rampant. During the year, after some investigatory efforts, the MoI announced the firing of hundreds of employees accused of corruption. Many employees accused of serious human rights abuses were transferred rather than fired or arrested.

Allegations of MoD abuses increased in the last few months of the year. Of note were complaints against MoD battalion level units that carried out arrests in Baghdad as well as against the 5th Division, 2nd Brigade operating in Diyala Province.

There were few documented cases of criminal proceedings brought against members of the security forces in connection with alleged violations of human rights. MoI authorities claimed that several policemen had been arrested and given both criminal and administrative punishments in cases where allegations of torture were substantiated. However, MoI did not provide information on individual cases.

Efforts to increase the capacity and effectiveness of the police continued, including through human rights training and other forms of assistance. Recruits received 21 hours of human rights and rule-of-law training from certified instructors during their 10-week basic police course. Officers received an additional 10 to 15 hours of human rights training during the six-week basic course. After completion of the basic course, police officers received an additional 34 hours of human rights and rule-of-law training in a four-week course. The MoI also continued to develop and provide training to its internal affairs section and inspector general sections.

Arrest and Detention

The constitution prohibits "unlawful detention" and mandates that preliminary investigative documents be submitted to a judge within 24 hours from time of arrest, a period which can be extended by one day. Under the state of emergency, the prime minister has the authority under "extreme exigent circumstances" to provide authorization for suspects to be detained and searched without an arrest warrant.

In practice police and the army personnel frequently arrested and detained suspects without judicial approval. Security sweeps sometimes were conducted throughout entire neighborhoods, and numerous people were reportedly arrested without a warrant or probable cause. Police often failed to notify family members of the arrest or location of detention, resulting in incommunicado detention. The army performed these law enforcement functions at the direction of the prime minister relying on authorization in the declared state of emergency.

At year's end, according to MoHR data reported in the UNAMI bimonthly report, the total number of noncoalition force official detainees in the country was 16,308, the great majority being Sunni. The ICS held 8,500; the MoI, 4,034; the MoD, 1,220; and the MLSA, 456. The KRG total was 2,098. The MoI figures were considered to be low estimates.

In practice very few detainees saw an investigative judge within the legally mandated time period. Many complained of not seeing the investigative judge until months after arrest and detention. In some cases, individuals identified as potential witnesses were also detained for months. Incommunicado detention took place.

Lengthy detention periods without any judicial action appeared to be a systematic problem resulting from backlogs in the judiciary, slow processing of criminal investigations, an insufficient number of judges, and undocumented detentions.

There were a number of reports that KRG prisoners were held incommunicado. KRG internal security units reportedly detained suspects without an arrest warrant and transported detainees to undisclosed detention facilities. There were many reports that family members were not allowed to know the location of the detainees, nor visit them. Reportedly, police across the country continued to use coerced confessions and abuse as methods of investigation.

Although the law allows release on bond, in practice criminal detainees were generally retained in custody pending the outcome of a criminal investigation.

Judges are authorized to appoint paid counsel for the indigent and did so in practice.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the judicial system is credited with efforts to maintain an independent stance. Exceptionally, ministers were legally afforded the opportunity to review and prevent the execution of arrest warrants against ministry employees lawfully issued by sitting judges presiding over criminal investigations. This provision gave criminal immunity to some government employees and enabled a component of the executive branch to terminate proceedings initiated by the judicial branch.

The judiciary at all levels--investigative, trial, appellate, and supreme--is managed and supervised by the Higher Juridical Council, an administrative body of sitting judges from the Federal Supreme Court, the Court of Cassation,

and the appeals courts. Representatives of the Office of the Public Defender, of a judicial oversight board (that hears charges of misconduct by judges), and of regional judicial councils also sit on the Higher Juridical Council (HJC).

The HJC's responsibilities include formulating and administering budgets for the courts, nominating and assigning judges to the various tribunals throughout the country, managing courthouses and related facilities, supervising personnel matters, and establishing guidelines and policies for the administration of the courts. Unlike the formal courts, the HJC does not investigate and adjudicate cases involving criminal conduct or civil claims.

Although the constitution provides for an independent judiciary in all regions, the KRG judiciary remained part of the KRG executive branch's Ministry of Justice. Judges in the KRG system were accused of being appointed based on party ties.

While individual judges were viewed as objective and courageous, judges also were vulnerable to intimidation and violence. In some cases, particularly in Ninawa Province, judges refused to hear cases against insurgents and terrorists for fear of retribution. There were also reports that criminal cases at the trial level or on appeal to the Court of Cassation were not adjudicated on their merits, suggesting corruption or intimidation.

Defense attorneys were theoretically provided, but detainees rarely had access to them before the initial judicial hearing, often for security reasons. Many detainees met their lawyers for the first time during the initial hearing. Defense attorneys rarely played a substantive role in the trials or hearings.

Trial Procedures

The constitution provides for the right to a fair trial, and judges--investigative, trial, and appellate--generally sought to enforce that right. An accused is considered innocent until proven guilty and has the right to privately-retained or court-appointed counsel. One of the significant challenges facing the criminal trial courts, however, was insufficient access to defense attorneys.

The criminal justice system is based on a civil law regime similar to the Napoleonic Code. It is fundamentally inquisitorial--and not adversarial--in form and content. The system is focused centrally on the search for the truth, initiated and pursued almost exclusively by judges, whose role it is to assemble evidence and adjudicate the guilt or innocence of accused persons.

Investigative judges, working collaboratively with judicial investigators, and in some cases police officers, are responsible for interviewing witnesses, assembling evidence, examining suspected criminals, and generating files on the results of the investigative work. Although prosecutors and defense attorneys are frequently participants in these pretrial investigative hearings, their roles are for the most part limited to recommending that the investigative judges pursue certain investigative avenues, including posing suggested questions of witnesses and detainees. They rarely appealed decisions of judges about the manner and scope of their investigations.

Three-judge panels are then responsible for trying the accused persons, based largely on the results of judicial investigations. During those trials the presiding judges question the accused detainees; witnesses may testify at these proceedings. The prosecutor and the defense attorney are afforded the opportunity to make brief closing statements about the issues in the case.

After deliberation among the members of the panel, the presiding judge announces the verdict and, in the case of a conviction, also sentences the accused person(s). Criminal judgments of conviction and acquittal may be appealed to the Court of Cassation, a judicial panel that reviews the evidence assembled in the investigative and trial stages and renders a decision.

The judicial system includes civil courts that address domestic, family, labor, employment, contract, and real and personal property claims. Challenges to the judgments rendered in these civil proceedings are first taken to the Appeals Courts of the provinces in which the trial courts sit; after that, secondary appeals may be made to the Court of Cassation.

In addition to the criminal and civil trial and appellate courts, the court system includes a Federal Supreme Court, the jurisdiction of which is limited to resolving disputes between branches of government, between the federal government and the provinces (governorates), and reviewing the constitutionality of laws, regulations, procedures, and directives of the various branches and units of government throughout the country. The existing Federal Supreme Court was established in 2005, and its nine members were appointed by the Presidency Council. The constitution requires that the CoR enact a law that will determine the membership of, selection, and jurisdiction of the Federal Supreme Court.

In 2003 the Governing Council created the Iraqi High Tribunal (IHT), formerly the Iraqi Special Tribunal, to try persons accused of committing war crimes, genocide, crimes against humanity, and specified offenses under the country's law from July 17, 1968, through May 1, 2003. On November 5, the IHT sentenced former dictator Saddam Hussein to death based upon his conviction for crimes against humanity relating to the murder of 148 villagers from Ad-Dujayl

following an alleged assassination attempt against him in 1982. Two other regime members, Barzan al-Tikriti and Awad al-Bandar, were convicted at the same time of similar crimes. All three were sentenced to execution by hanging. Appeals were lodged on December 3, and the verdicts were confirmed on December 26. Saddam Hussein was hung on December 30. At year's end the sentences for the other two men had not been carried out.

The Anfal trial, which started on August 21, continued at year's end. The charges concerned the alleged genocide of the Kurdish population resulting in the deaths of an estimated 182,000 men, women, and children, in part by the use of chemical weapons. After the execution of Saddam, Ali Hassan al-Majid, widely referred to as "Chemical Ali," remained the most high-profile defendant in that case. At year's end investigations continued into a number of different crimes allegedly committed by members of the former regime, including the 1991 uprising, the draining of the marshes in the southern part of the country, and the invasion of Kuwait.

Political Prisoners and Detainees

There were no reports that the national government held political prisoners or held persons without charge for the peaceful exercise of human rights or personal characteristics, opinions, or status.

Kurdish political activist Kamal Said Kadir had been sentenced to 30 years' imprisonment for "defamation of public institutions" in December 2005. On April 3, after much international attention, he was released from prison. Members of the Parastin, the security intelligence service of the KDP in Irbil, had arrested and detained him incommunicado for two months. Scant information was available concerning detainees in the KRG detention facilities.

There were detainees held in the KRG on security charges who were primarily held for political, sectarian, or ethnic reasons. Individuals were arrested for criticizing government officials. Demonstrators were arrested because they congregated in violation of regulations. Such arrests were for political reasons. The KRG minister of human rights stated that he did not consider these detentions to be a violation of human rights because they were within the law.

Civil Judicial Procedures and Remedies

The legal framework exists, as well as an independent and impartial judiciary, for dealing with civil issues in lawsuits seeking damages for, or cessation of, human rights violations. Administrative remedies also exist. However, during the year the priorities of an understaffed judiciary and government administration were focused on issues more directly related to security, and these procedures, and remedies were not effectively implemented.

Property Restitution

The Commission for the Resolution of Real Property Disputes (CRRPD), formerly the Iraq Property Claims Commission, was established in 2004 by Coalition Provisional Authority Regulation 12 as an independent governmental commission. Its purpose is to resolve claims for real property confiscated, forcibly acquired, or otherwise taken for less than fair value by the former regime between July 17, 1968, and April 9, 2003, for reasons other than land reform or lawfully applied eminent domain. The CRRPD process is intended primarily to benefit those whose land was confiscated for ethnic or political reasons as part of the "Arabization" program and other policies of sectarian displacements. The deadline for filing claims is June 30, 2007. On November 30, 2005, new governing legislation was adopted that replaced the old CPA order and made certain changes to clarify the CRRPD process and make it fairer.

There were approximately 1,300 CRRPD employees in offices located in all 18 provinces and led by Ahmed al-Barrak, a former member of the Iraqi Governing Council.

At year's end the CRRPD had received over 124,000 claims nationwide. Of those claims, its regional commissions had adjudicated over 20 percent nationwide, with geographic variations.

The CRRPD issued approximately 2000 decisions awarding compensation of \$22 million (28.6 billion dinars). The government budget for all CRRPD compensation awards is \$200 million (260 billion dinars). After adjudication, the CRRPD's only role in enforcement is to send official notifications of decisions to the real estate registry office and enforcement office of the regional court, which in turn are responsible, respectively, for re-registering property in the name of successful claimants and evicting current occupants, as appropriate.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution mandates that homes not be entered or searched except with a judicial order issued in accordance with the law. The constitution also prohibits arbitrary interference with privacy. The government attempted to respect these prohibitions in practice, although in numerous instances, the security forces did not.

Under the state of emergency, the prime minister may authorize authorities to detain suspects, and search them, their homes, and work places. The law provides that all such actions must be pursuant to an arrest or search warrant.

unless there are extreme exigent circumstances. The police were instructed to comply with legal warrant requirements but reportedly often did not.

In the KRG provinces, there was pressure on citizens to associate with the PUK party in the province of Sulaymaniyah, and the KDP party in the provinces of Irbil and Dohuk (see section 2.b.).

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The ISF operated in major military actions against insurgents, terrorists, and militias with the support of the Multi-National Force--Iraq. Mol forces also coordinated with Multi-National Force--Iraq to ensure a synchronized approach to security within the country.

Militia and terrorist killings were the main source of violence in the country. Former regime elements, local and foreign fighters, terrorists, and militias waged guerrilla warfare and campaigns of violence. According to government data, 627 army soldiers were killed during the year. Bomb attacks by Sunni terrorist groups against the government and densely populated Shi'a areas were common and frequently prompted retaliatory attacks by Shi'a militias. Executions of military-age Sunni males became common after the Samarra Mosque bombing.

Government military and police forces under government control killed armed fighters or persons planning or carrying out violence against civilian or military targets. According to personal accounts and numerous press reports, these forces caused inadvertent civilian deaths. Treatment of detainees under government authority was poor in a number of cases.

Insurgents and terrorists typically targeted individuals whose death or disappearance would advance their cause, particularly those who were suspected of being connected to government-affiliated security forces. Bombings, executions, killings, kidnappings, shootings, and intimidation were a daily occurrence throughout all regions and sectors of society. Al-Qa'ida in Iraq claimed responsibility for a number of these attacks, although other insurgent and terrorist groups played a role.

Judicial security remained an overriding concern as violence and threats of violence affected judges in virtually all provinces. For example, on May 4, a female bomber removed an explosive-laden vest after being denied entrance to a Baghdad courthouse and left the vest outside the building, where it exploded killing at least nine and wounding 46 persons.

Within the past two years, 15 judges have been killed and many more threatened, prompting the resignations of some and requests by others to be transferred to other venues where they may be less at risk. The judiciary suffered from a severe shortage of judges which has affected their ability to process cases.

Throughout the year terrorists systematically damaged and destroyed key infrastructure, principally but not exclusively in the central region of the country. Sabotage against oil, electricity, and transportation reduced the movement of goods and availability of critical services to the population.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution broadly protects the right of free expression, provided it does not violate public order and morality. Despite this protection of freedom of expression, the law provides, if authorized by the prime minister, for fines or a term of imprisonment not exceeding seven years to any person who publicly insults the national assembly, the government, or public authorities.

The law prohibits reporters from publishing stories that defame public officials. Many in the media complained that these provisions prevented them from freely practicing their trade by creating strong fears of persecution.

The law restricts media organizations from incitement to violence and civil disorder, expressing support for the banned Ba'ath Party, or for "alterations to Iraq's borders by violent means." Under this provision, the Council of Ministers voted on September 7 to close the offices of Al-Arabiya television network for one month, considering its reporting to be fomenting "sectarian violence and war in Iraq." The Council of Ministers order did not provide specifics as to why it considered Al Arabia's coverage to be fomenting violence. On October 7, the station resumed broadcasting again.

On November 5, Iraqi authorities shut down the offices of both Al-Zawraa and Salah Al-Din television stations, charging them with inciting violence, terrorism, and sectarianism. The government sanctioned the reopening of Salah Al-Din television station on November 15. However, the government recommended the continued closure of al-Zawraa satellite channel as well as a lawsuit against the owners and managers for airing training videos on how to build explosive devices, promoting calls to join terrorists and insurgent groups, and promoting killings and genocide against

a large segment of the populace. Despite the recommendation, al-Zawraa continued to broadcast as a satellite channel over the Egyptian-controlled Nilesat.

Media workers often reported that politicians pressured them not to publish articles criticizing the government. There were numerous accounts of intimidation, threats, and harassment of the media by government or partisan officials. In practice, the law was actively used against media workers. For example, *Al-Wasit* newspaper editor Ayad al-Tamimi and reporter Ahmed Mutare Abass were arrested for slander in April 2005 and imprisoned for six months for publishing articles criticizing the judicial system and police corruption in Al-Kut, approximately 100 miles southeast of Baghdad. In August a Baghdad court released them without jail sentences at the conclusion of another trial for libel related to publications about Al-Kut, according to the international NGO Reporters without Borders.

Print publications and broadcast media were a primary source of news and public discourse in the KRG provinces; however, almost all media outlets were controlled or funded by the major political parties. The KDP sponsored the Kurdish-language newspaper *Khabat* (The Struggle), the Arabic-language version, *Attaakhi*, and KTV (Kurdistan television). KDP member and KRG Prime Minister Nechirivan Barzani also funded the popular television station Zagros. The PUK sponsored the Kurdish-language newspaper *Kurdistani-Nwe* (New Kurdistan), the Arabic-language newspaper *Al-Ittihad*, and KurdSat television. Minor parties such as the Kurdish Islamic Union also had their own newspapers and television stations.

In addition to the party press, there were a few notable independent media outlets that covered government and party corruption, for example, the weekly newspapers *Hawlatee* (The Citizen) and *Awena* (Mirror) and Radio Nawa. However, their journalists were subject to frequent criminal prosecution for libel claims and extrajudicial intimidation by junior or midlevel political party officials.

Violence against the media, primarily by militia and insurgency groups, was commonplace, and self-censorship took place as a result. Media workers reported that they refrained from producing stories on insurgency and militia activity for fear of retaliatory attacks. During the year, more than 60 media workers were killed or abducted for a total of over 140 since 2003. One of the most reported killings of a media worker was that of well-known journalist and al-Arabiya television reporter Awar Bahjat who was abducted February 22 and later killed after reporting on the attack on the Al-Askariya Shrine. Her technician and cameraman were killed along with her.

There were several hundred daily and weekly publications, as well as dozens of radio and television stations at the national, regional, and local levels, broadcasting in Arabic, Kurdish (two dialects), Turkmen, and Syriac. Political parties strongly influenced virtually all media. For private media, sales and advertising revenues typically did not produce a reliable income stream, and lack of a constant power supply was often a problem.

Internet Freedom

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

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. However, social and religious as well as political pressures restricted freedom of choice in academic and cultural matters. In particular, Kurdish parties controlled the pursuit of formal education and the granting of academic positions in the KRG areas. There were a number of reports of threats by militia or insurgent groups against schools and universities, urging them to modify activities, close down or face violence. Educational institutions often complied with the threats.

Professors at Basrah University who were considered secular received written threats and demands to depart Basrah. Universities in Baghdad received numerous threats to close down or face attack. During the year a series of killings targeted professors, particularly in Baghdad and Basrah.

On November 14, armed gunmen in old and new police uniforms kidnapped as many as 100 men from a Ministry of Higher Education Directorate building in central Baghdad. While some hostages were freed by the next day, others were later found dead. The minister of interior ordered an investigation into the role of several high-ranking police officials; however, the investigation produced no results by year's end.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly and peaceful demonstration, and the government generally respected this right in practice, although there were reports of abusive KRG practices against protesters. During the

year, the prime minister invoked the emergency law, which gave him the authority to restrict freedom of movement and assembly pursuant to a warrant or extreme exigent circumstances. In general, this emergency law did not prevent peaceful assembly from occurring, although it was used often to impose curfews. Police in the central and southern parts of the country generally did not break up peaceful demonstrations except when a curfew was violated.

In the KRG area, particularly in the province of Sulaymaniyah, demonstrations took place to protest government corruption as well as poor services. On August 8, KRG security forces opened fire during a protest in Darbandikhan, killing one man. Local human rights organizations reported that 100 protesters were arrested before, during, and after the demonstration. In an August 9 demonstration in Kalar, security forces reportedly shot into the crowd of protesters, killing one person and injuring several others.

Residents alleged that the KRG intimidated and imprisoned numerous participants of protests in Sulaymaniyah. In multiple demonstrations against poor services in the town of Chamchamal, participants reported that the PUK internal security forces as well as armed forces security carefully monitored protests, and in some cases overtly videotaped the proceedings. When authorities considered that the protests had become unruly, participants were detained, in some cases allegedly at undisclosed locations.

Freedom of Association

The constitution provides the right to form and join associations and political parties and specifically mandates that this right be regulated by law. The government generally respected this right in practice. Within the KRG provinces, there was pressure to associate with the PUK party in Sulaymaniyah and the KDP party in Irbil and Dohuk.

c. Freedom of Religion

The constitution proclaims Islam as the official religion of the state. While providing for full religious rights for all individuals "such as Christians, Yazidis, and Mandeans," the constitution also stipulates that no law may be enacted that contradicts the established provisions of Islam. While the government generally respected the right of the individual to worship according to thought, conscience, and belief, private conservative and radical Islamic elements continued to exert tremendous pressure on other groups to conform to extremist interpretations of Islam's precepts. In addition frequent attacks on religious places of worship, as well as sectarian violence, hampered the ability of citizens to practice their religion freely.

The government continued to follow longstanding discriminatory practices against those of the Baha'i Faith. During the year Mol continued to adhere to its regulation prohibiting issuance of a national identity card to those claiming the Baha'i Faith. Without this official citizenship card, Baha'is experienced difficulty registering their children in school, receiving passports to travel out of the country, and proving their citizenship.

Constitutional provisions on religious freedoms countermand the Revolutionary Command Council (RCC) Resolution 201 of 2001, which mandates the death penalty for adherents of the Salafist branch of Islam (Wahhabism) and Law No. 105 of 1970, which prohibits the Baha'i Faith. These laws were selectively enforced against Baha'is, but at year's end they had not been formally repealed.

During the year, there were a number of reports indicating that employees and managers within ministries expressly or indirectly pressured women to wear veils as a requirement for work--regardless of the individual's religious affiliation. Reports of these coercive tactics were particularly widespread in the Shi'a-dominated ministries of health and transportation.

There were also allegations of religiously based employment discrimination during the year. Several ministries reportedly hired and favored employees that conformed to the religious preference of the respective minister.

There were numerous allegations that criminals within the ISF, largely Shi'a, targeted Sunnis for attack. Likewise, Sunni terrorist groups often targeted Shi'a in killings and displacement tactics.

Religious groups are required to register with the government. The requirements include having at least 500 followers. Non-Muslims complained that although the government recognized their religious holidays by law, in practice they were generally disregarded. Schools routinely scheduled examinations during non-Muslim holy days, and no special dispensation was given to students wishing to observe them.

During the year, there were allegations that the KRG continued to engage in discriminatory behavior against religious minorities. Minorities living in areas north of Mosul, such as Yazidis and Christians, asserted that the KRG encroached on their property, eventually building Kurdish settlements on the confiscated land. In spite of reputed KRG discrimination against religious minorities, many non-Muslim minorities fled to the Kurdish region to escape violence and religious discrimination in other parts of the country.

Societal Abuses and Discrimination

Extremists, including terrorist groups and militia members, targeted many individuals because of their religious identity. Others were targeted because of their secular leanings. Violence between Shi'a and Sunni Arabs based on religion continued and worsened markedly after the February 22 bombing of the Al-Askariya Shrine in Samarra.

Sectarian and vigilante checkpoints began to appear most notably after February. They ostensibly were for neighborhood security but often were used to identify and kill citizens based on their religion. Both Shi'a and Sunni mosques were heavily attacked during the year. According to the Sunni and Shi'a religious endowment offices, hundreds of Shi'a and Sunni mosques were bombed or otherwise attacked during the year.

Religious leaders were in several instances targeted for kidnappings and killings. For example, Ayatollah Husayn al-Husayni was kidnapped August 13 while in Baghdad. Mohammed Redha Mohammed, an Islamic religious leader in Kirkuk as well as CoR member, was killed in Baghdad on October 7 on his way to deliver Korans from the Sunni Endowment. Father Paulos Alexander was beheaded on October 11 after being kidnapped in Mosul, initially for ransom.

Members of the Yazidi community reported that they continued to be targeted by Islamists throughout the year. They complained that the misperception that they were devil-worshippers was behind some attacks that the community had suffered in the province of Ninawa.

Sabean Mandaean leaders asserted that there was an increase in threats against and killings of members of their community during the year. Whereas in previous years Sabians were kidnapped for ransom, Sabean leaders reported that they were being targeted for killings. Sabians reported receiving numerous death threat letters accusing them of being "sorcerers" and urging them to leave Iraq altogether or face death.

Members of the Christian community indicated that they were targeted throughout the year, particularly by Sunni-affiliated terrorists. Threats against churches, religious institutions, members of the clergy and religious orders and individual Christians spiked after comments by Pope Benedict XVI which were perceived to be anti-Islamic but reportedly decreased after an apology was made. Both a Dominican convent in Mosul and the Chaldean Major Seminary of St. Peter in Baghdad were targeted during the year by terrorists, forcing followers to relocate. Several priests were kidnapped and then released for ransom, except Father Paulos Alexander.

Threat letters targeting residents based on their religious affiliation were fairly common for almost all religious denominations. Numerous reports indicated that Sunni Arabs, Shi'a Arabs, and Christians all received death letters identifying them by sect and urging them to leave their homes or face death. Internal displacement based on religious or ethnic affiliation was fueled by these threats.

Islamist militants continued to target stores that provided goods or services considered to be inconsistent with Islam, for example alcohol. Liquor stores in Baghdad and in other areas were bombed, looted, and defaced by Islamic extremists.

According to the head of the Christian and Other Religions Endowment Office, the country's millennia-old Jewish population had dwindled to less than 20 persons in the Baghdad area as a result of migration over decades to Israel and other countries. There were also unverified reports of small numbers of Jews living in KRG areas. However, anti-Semitic sentiment remained a cultural undercurrent. As an example, a citizenship law, among other provisions, precludes Jews who immigrated to other countries from regaining citizenship. The law became effective when it was published in the *Official Gazette* in March.

On July 13, the speaker of parliament, Mahmoud al-Mashhadani, accused Jews of financing violent activity in the country designed to undermine the Muslims who control parliament and to bring their own agents to power. Mashhadani stated that although Muslims are accused of murdering and kidnapping men and women, these acts are the actually the work of "the Jew and his Jewish son" and that Jews, Israelis, and Zionists are using Iraqi money and oil in order to foil the activities of the Islamic Movement in Iraq. No government official condemned his statement.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for the right of free movement in all parts of the country and the right to travel abroad and return freely. However, there were some limitations in practice.

Under the state of emergency, the prime minister can restrict movement pursuant to a warrant, impose a curfew, cordon off and search an area, and take other necessary security and military measures (in Kurdish areas, only in coordination with the KRG). The government availed itself of these powers in practice in the course of the year.

There were some reports that the KRG employed checkpoints to prevent Arabs from moving into that area. For example, Arab travelers with a large number of suitcases were reportedly turned away. Despite these reports, thousands of Arab displaced persons were allowed entry into the region.

The MoI's Passport Office reinstated a policy to require women to obtain the approval of a close male relative before being issued a passport (see section 5, Women). Additionally, because of the longstanding prohibition of issuing national identity cards to those claiming the Baha'i Faith, some Baha'is were unable to obtain passports.

The constitution expressly prohibits forced exile of all native-born citizens. The injunction also applies to naturalized citizens, unless a judicial decision establishes that the naturalized citizen was granted citizenship on the basis of material falsifications. Forced exile did not occur.

There were no known government restrictions on emigration. Exit permits were required for citizens leaving the country, but the requirement was not enforced.

Internally Displaced Persons (IDPs)

The number of IDPs since the fall of the previous regime sharply increased following the February 22 bombing. Estimates of the number of persons displaced after the bombing varied between 380,000 and 500,000. The differing estimates derived from various compilations by the UN High Commission for Refugees (UNHCR), local authorities, the International Organization for Migration (IOM), the Ministry of Displacement and Migration (MoDM), and NGOs. More than 1.2 million IDPs had been displaced under the previous regime, the majority of whom continued in that status. According to UNHCR, there were a total of approximately 1.7 million IDPs at the end of the year, and 1 to 1.4 million Iraqis in neighboring countries, although a large percentage of them had left before 2003.

These IDP movements were caused by sectarian intimidation and violence, a poor security situation, and poor public services. There were numerous reports in Baghdad and across the country of threat letters delivered to Shi'a, Sunni, or Christian residents warning them to leave their homes within a certain period of time or face death. Some Baghdad residents reported seeing their neighbors kidnapped or killed by members of terrorist or militia groups aiming to evict residents of the opposite sect. This overall campaign aimed at forcibly displacing citizens was the main reason for the increasing polarization of areas within Baghdad and outside of Baghdad.

Many Baghdad residents migrated to other neighborhoods, while others left the city altogether. Between 40 percent and 60 percent of new IDP flows were estimated to have originated in Baghdad. A large number of Christians left Baghdad not only for Mosul but also for Dohuk.

In Basrah sectarian violence caused a large number of Sunni Arabs to leave their homes. The estimated 30 percent of Sunni Arabs who have since returned to Basrah say they did so because they found hostile receptions in the places where they sought refuge.

Most recent IDPs were living with host families or renting houses in the host community. Other IDPs have occupied abandoned buildings (old factories, unoccupied military facilities) public buildings (schools, offices, and mosques), or homes abandoned by other displaced families. The IOM estimated that only approximately 3 percent of these IDPs were moving into camps set up by the MoDM or the Iraqi Red Crescent Society (IRCS). IDPs used some of these camps for short periods, as transit points in their displacement.

The government, through MoDM, collected information about IDPs and provided some assistance to them in the form of humanitarian supplies. MoDM also coordinated with IRCS the provision of aid to IDPs. Additionally, IOM and NGOs also provided assistance to IDPs.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not yet established an effective system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government recognized as refugees more than 23,000 Palestinian and some 2,500 Syrians in the country. The government has also implicitly recognized 14,000 Turks and 5,500 Iranians as refugees.

The government cooperated with UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. UNHCR provided protection and assistance to both Syrian and Palestinian refugees through rental subsidies, other forms of material assistance, and legal representation.

The government re-established an interministerial committee charged with making group and individual refugee determinations. The committee did not review any cases during the year. The central government and the KRG

agreed to integrate approximately 3,000 Iranian Kurd refugees in northern Iraq. The government also continued to facilitate the reintegration of hundreds of Iraqi Falli (Shi'a) Kurds returning from Iran.

During the year, refugees were periodically targeted in attacks carried out by insurgents, militias, and criminals. Protection for Palestinian refugees remained poor. There were credible reports that more than a dozen Palestinian refugees were murdered, and that police targeted Palestinians for arbitrary arrest, detention, and house raids. There was a wave of increased abuse of Palestinian refugees by the security forces and the general public following the February 22 bombing. Several hundred Palestinian refugees left Baghdad to seek refuge at the Jordanian and Syrian borders, and many more allegedly fled Iraq with false Iraqi passports. In April at the request of a Palestinian human rights group, Shiite cleric Grand Ayatollah Ali al-Sistani issued a letter urging the authorities and his followers not to harm the thousands of Palestinian refugees living in the country.

Groups not affiliated with the government also reportedly threatened the physical safety of refugees belonging to groups favored or perceived to be favored by the previous regime (Palestinians, Syrian Ba'thists, and Iranian Arabs).

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

On October 15, 2005, citizens voted to adopt a permanent constitution, which included the full panoply of protections of human rights including the right of citizens to change their government peacefully through periodic, free, and fair elections based on universal suffrage. Citizens exercised this right at the national level on December 15, 2005 when they elected the 275 members of the CoR. The Independent Electoral Commission of Iraq (IECI) had the sole responsibility for administering the October 2005 referendum and the December 2005 elections.

Elections and Political Participation

In spite of the threat from terrorist and insurgent violence, the December 2005 national elections, as well as the October 2005 referendum, were widely considered to have met international standards for free and fair elections. The IECI opened more than 6,000 polling centers throughout the country for a total of more than 30,000 polling stations available to voters. The December 2005 election turnout of more than 70 percent indicated that voters had good overall access to the polling centers.

During the December 2005 election, observer groups and political entity agents submitted more than 1,800 complaints. However, many of these complaints were procedural and few pointed to substantive irregularities. Allegations of ballot stuffing or interference by local electoral staff, outsiders, or police, were not widespread. The April 12 final report of the International Mission for Iraqi Elections stated that the December 2005 election met internationally recognized electoral standards for free and fair elections and the results of the elections reflected the will of the voters.

Political parties and candidates had the right to freely propose themselves or be nominated by other groups. The government did not restrict political opponents, nor did it interfere with their right to organize, seek votes, or publicize their views.

The country's political parties, as a general rule, tended to be organized along either religious or ethnic lines--sometimes both. Shi'a Islamist parties, such as the Supreme Council for the Islamic Revolution in Iraq (SCIRI) and the al-Da'wa al-Islamiyya Party, as well as such Kurdish nationalist parties as the KDP and PUK, were predominant political forces. Other political players included the Sunni Iraqi Islamic Party and other ethnic minority parties, such as the Assyrian Democratic Movement.

Membership in some political parties conferred special privileges and advantages in employment. There were some reports that the KDP and PUK prevented the employment of nonparty citizens and that KRG courts favored party members.

By the end of the year, there had been no steps to undertake provincial elections. Provincial councils were not fully representative since many Sunni Arab groups boycotted the January 2005 election.

In the December 2005 election, female voter turnout was reportedly as high if not higher than male turnout. The constitution provides for the election of women to the CoR, with a goal of no less than one-quarter female representation. Female leaders, representing a broad spectrum of political views, expressed concern that some women were selected to participate in the political process only to meet this quota.

There were 76 women in the CoR, 28 percent of the membership, and four female ministers in the government: the minister of state for women's affairs and the ministers of human rights, environment, and housing and construction. Additionally, at least three cabinet members were from small religious and ethnic minority groups (see section 5, Women).

Government Corruption and Transparency

Large-scale corruption pervaded the government and was a severe problem. Public perception of government corruption continued to be high. Intimidation and politics were factors in some allegations of corruption, and officials sometimes used "de-Ba'athification" as a means to further political and personal agendas. Anticorruption institutions were fragmented and interaction among them was hampered by a lack of consensus about their role. Lack of accountability continued to be widespread and was reinforced by several provisions in statute as well as lack of transparency. The law did not provide public access to government information for citizens and noncitizens, including foreign media.

The constitution provides immunity from arrest to members of the CoR unless the member is caught in the criminal act, or the charge is a felony and the immunity is overturned by a majority vote. CoR member Mishan al-Jabouri, charged with embezzlement, enjoyed this immunity until October 9 when the CoR voted to overturn his immunity.

Paragraph 136 (b) of the Criminal Procedure Code provides ministers with the ability to prevent enforcement of the arrest of their employees. This law allows ministers to halt corruption proceedings against their employees. On 15 separate occasions, the involved minister reportedly halted adjudication and arrest of employees suspected of corruption by the Commission on Public Integrity (CPI). In other cases, ministries effectively stalled the investigation by failing to provide information.

Despite these obstacles, there were several high-profile corruption cases that reached resolution. During the year, former minister of defense Hazem Sha'alan was convicted in absentia and sentenced to 60 years' imprisonment. He and 27 other officials were alleged to have played a key role in the theft of \$1 billion (1.3 trillion dinars) in 2004. A number of other MoD officials were arrested and were pending trial at year's end.

Former minister of electricity, Ayham al-Samaraii was sentenced to two years' imprisonment on charges of corruption on October 11. He subsequently escaped from detention.

The CPI, formed in January 2004, is the government's commission charged with preventing and investigating cases of corruption in all ministries and other components of the government nationwide (except for the KRG). The CPI, with a staff of 119 investigators, reports to the country's chief executive and legislature and has the authority to refer cases for criminal prosecution. During the year, the CPI received more than 2,000 cases to investigate, a caseload that far outstripped the organization's investigative capacity. By the end of the year, it had adjudicated few of its cases, due to intimidation and lack of training.

The government also has a system of 31 inspectors general in the various ministries, the city of Baghdad, the Central Bank, and the religious endowments. The mandate of this program, which comprises 2,500 total staff, is to audit, inspect, and investigate in order to reduce fraud, waste, and abuse. More than 50 percent of these offices have a human rights unit within their organization.

The Board of Supreme Audit is responsible for conducting audits of all contracts that ministries undertake.

Both the CPI and the inspection system remained vulnerable during the year. There was widespread intimidation, as well as killings and attempted attacks against CPI employees, inspection personnel, and witnesses and family members involved with CPI cases. CPI had 11 employees or family members killed during the year.

CPI received a number of high level attempts to influence prosecutions of members of the ruling party. Members of the legislature also reportedly attempted to pressure the court on numerous occasions to a particular ruling.

The former deputy commissioner of CPI was dismissed for engaging in prosecutions along sectarian lines.

According to UNAMI's September-October report, payroll fraud in the security forces was widespread. Police officers frequently required payment from would-be recruits to join the police force. Absenteeism was widespread, and in Kirkuk alone, half of the 5,000 police force and 13,000 army soldiers were reportedly absent at any given time, and many were permanently absent without leave, but still received their pay (see section 1.d.).

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

Generally, the government was generally disposed to cooperate with the UN and its agencies on human rights issues. All nongovernmental investigation of alleged human rights violations, such as access to detention facilities, was highly restricted, according to the government due to the security situation, as well as government policy (see section 1.c.).

The former regime did not permit the establishment of independent human rights organizations, and as such the NGO community in the country was still new. During the year, NGO activity and advocacy continued but remained weak

overall. Almost 5,000 local NGOs were registered, although the number of members was small. The vast majority of human rights NGOs affiliated with political parties or with a particular sect and frequently focused human rights efforts along sectarian lines. NGOs serving women did not generally subscribe to this pattern.

The Ministry of State for Civil Society Affairs (MoSCA) continued its efforts to impose onerous registration processes and excessive documentary requirements on the NGO community. For much of the year, a number of local NGOs reported having their assets frozen arbitrarily despite compliance with burdensome reporting requirements. Women's rights NGOs appeared especially vulnerable to this disruption, which many attributed to disapproval of their activities and services. The ministry announced that assets were being released towards the end of the year; however, this claim could not be verified.

Unannounced and intimidating visits to some NGOs by representatives of the MoSCA demanding photographs, passport details, names, and addresses of all staff and their family members continued to occur. The ministry also instructed all NGOs that they were no longer allowed to communicate directly with other ministries. Instead, all communication or requests were to be sent first to the MoSCA, which would then forward the request if deemed appropriate. In practice this instruction limited the ability of human rights NGOs to communicate concerns to various ministries, including MoI, MoD, and MoHR.

Terrorist organizations frequently targeted human rights organizations, and the poor security situation severely limited the work of NGOs. Both local and international human rights organizations continued to face obstacles in gaining access to prisons and detention facilities.

The Kurdish areas, which have largely been autonomous since 1991, were able to develop a stronger NGO community, although almost all Kurdish NGOs were closely linked to the PUK and KDP political parties. The KRG and Kurdish political parties generally supported humanitarian NGO activities and programs.

Although no ombudsman existed, a national MoHR and a KRG ministry, focused on raising awareness and knowledge of human rights and conducting prison visits. Each ministry reported to its respective prime minister. The national MoHR also worked to monitor human rights abuse and advocate for and assist victims. However, limited resources and poor cooperation from other ministries greatly limited the ministry's effectiveness. The KRG MoHR was in a similar position.

The CoR Committee on Human Rights did not play a significant role in developing human rights policy.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides that all citizens are equal before the law without regard to gender, sect, opinion, belief, nationality, religion, or origin. The government did not effectively enforce these provisions.

Women

The general lack of security in the country and increasingly conservative societal tendencies had a serious, negative impact on women.

The constitution prohibits all forms of violence and abuse in the family, school, and society. NGOs reported that domestic violence against women increased during the year, although no reliable statistics exist. Reportedly "honor killings" also increased based on anecdotal observations from NGOs in the KRG as well as the KRG MoHR. In its March-April report, UNAMI reported that as many as 534 women may have been victims of honor-related crimes--including killings, torture, and severe abuse--in the Kurdish area alone since the beginning of the year.

Although the KRG amended its own penal code to render "honor" an aggravating rather than extenuating factor, continued reports of honor killings in the Kurdish region prompted the UN special representative to send a letter of concern to President Talabani on August 24. Anecdotal evidence from local NGOs and media reporting indicated that domestic violence often went unpunished, with such abuse customarily addressed within the tightly knit family and tribal structure. Harassment of legal personnel working on domestic violence cases, as well as sympathy from both police and judicial personnel, further hampered efforts to bring perpetrators to justice.

Private shelters for women existed; however, space was limited and their locations were secret and subject to frequent change. Some NGOs worked with local provincial governments to train community health workers to treat victims of domestic violence. Victims of domestic violence received no substantive assistance from the government.

The Penal Code prohibits rape, and imposes a maximum sentence of seven years' imprisonment on perpetrators. It was difficult to estimate the incidence of rape; however, NGO sources reported a significant increase in the number of cases. Several NGOs documented cases of rape committed by government officials, most of which were alleged to have occurred in the MoI during the initial detention of prisoners.

Female genital mutilation (FGM) is not illegal. Research done by NGOs operating in rural areas of the Kurdish region showed that FGM was practiced. NGOs reported few cases of FGM elsewhere. The government offered no substantive assistance for victims of FGM.

Prostitution is illegal. Reports of prostitution increased; some of the increase was due to an increase in trafficking for sexual exploitation.

Although the constitution forbids discrimination on the basis of gender, in practice conservative societal standards impeded women's abilities to exercise their rights. Throughout the country women reported increasing pressure to wear veils. Many reported the presence of flyers in their neighborhoods threatening women who refused. Women were targeted for undertaking normal activities, such as driving a car, talking on a cell phone, and wearing trousers, in an effort to force them to remain at home, wear veils, and adhere to a very conservative interpretation of Islam. In addition to societal pressures, there were several reports of women at government ministries being told to wear a veil or lose their job.

Islamic extremists reportedly targeted female university students in a number of cities, demanding that they stop wearing western-style clothing and cover their heads while in public. Additionally, these extremists allegedly called for a separation of male and female students in some universities.

During the year, the MoI's Passport Office reinstated a national policy to require women to obtain the approval of a close male relative before being issued a passport (see section 2.d.). In addition the general lack of security in the country and increasing pressure from fundamental religious parties had a serious, negative impact on women.

The Ministry of State for Women's Affairs, with a 17-person professional staff, functioned primarily as a policy office without an independent budget or the ability to hire employees.

Women complained that weak labor laws and the lack of an equal opportunity employment law left them vulnerable to arbitrary dismissal. The deteriorating security situation disproportionately affected women's ability to work outside the home.

The constitution provides that a minimum of 25 percent of the seats in the CoR be reserved for women. In national elections, women won just over 25 percent of the seats. Women hold 76 of 275 (or 28 percent) seats in the CoR, but they only chair two of the 24 standing committees. Moreover, many female politicians and civil society leaders complained that women were excluded from the government formation process. Four women were appointed as ministers in the government (see section 3).

The MoLSA Social Care Directorate administered a variety of social care institutions, among them institutions for orphans and the elderly. No substantive shelter assistance was offered for victims of domestic violence. Women who were heads of single-parent households received a minimal cash stipend from the ministry; however, the budget for this assistance did not meet the need.

Children

The government in general was committed to children's rights and welfare, although noncitizen children were denied government benefits. They had to pay for services that were otherwise free such as public schools, health services, and, except for several hundred Palestinian families, were not eligible for the national food rationing program.

On September 21, the Higher Education Commission set up by the Tameen Governorate Council rejected the applications for school admission by pupils from newly displaced families who had fled the sectarian violence in other provinces, citing lack of capacity. No alternative education plans were made for the children by year's end.

Free primary education is compulsory for six years, and 89 percent of students reach the fifth grade. The enrollment of primary school-aged children was 83 percent for boys and 74 percent for girls. The percentage of children enrolled in primary schools was much lower in rural areas, particularly for girls, whose enrollment was approximately 60 percent. Overall enrollment in school of those ages six to 24 is 55 percent.

According to a 2005 Ministry of Development and Cooperation survey, youth literacy (ages 15 to 24) was 74 percent and adult literacy 65 percent. Only 56 percent of women were literate, compared to 74 percent of men. Both the level of education and literacy rates for women and girls dropped significantly in the last 15 years, especially in rural areas. MoH clinics provided health care, which was largely free to all citizens. There was no systemic distinction in the care provided to boys and girls.

FGM was performed in some instances (see section 5, Women). Although there were no statistics, a tradition of marrying young girls (14 or older) continued, particularly in rural areas.

MOLSA operated over 20 orphanages for older children in Baghdad and the provinces, housing a total of more than 600 children, and 40 orphanages for young children, housing approximately 1,500 children.

Despite efforts and laws against child labor, children often worked as laborers on rural farms or in street commerce. Press reports indicated that insurgents used children in diversionary tactics to distract security forces, as well as informers and messengers. Children sometimes participated directly in attacks as well, reportedly under the direction of Jaysh al-Mahdi militia, throwing rocks or other objects at security convoys.

Trafficking in Persons

The constitution states that forced labor, slavery, slave trade, trafficking in women or children, and the sex trade should be prohibited; however, there were reports that persons were trafficked to, from, and within the country.

Although statistics did not exist, according to reports from destination countries, the country was a source for trafficking of women and girls to other Arab countries, especially the Persian Gulf and Levant states. The country, particularly in Kurdish areas, was considered a destination for trafficking of male laborers from Southeast Asia. There were also reports of girls, women, and boys trafficked within the country for commercial and other sexual exploitation.

Anecdotal evidence and media reports suggested that some trafficking victims were taken from orphanages and other charitable institutions by employees of these organizations. The MoLSA accused private orphanages of being involved in these activities and called for all private orphanages to be under its purview and inspection authority. There were also reports that criminal gangs used threats and blackmail to sexually exploit teenage boys for commercial and other motives.

Both the MoI and the KRG MoI have responsibility for trafficking-related issues. However, the demands of the security situation relegated trafficking to a lesser priority. Trafficking crimes were not specifically enumerated in MoI statistics on criminal activity. However, the KRG reported instances in which it had followed up and resolved cases of trafficking. For example, the KRG determined that a Dubai construction firm had engaged in trafficking to bring 500 Indian and Sri Lankan laborers to the province of Irbil. The workers were not paid the contractually agreed-upon salary and were housed in squalid conditions with insufficient food. The KRG facilitated the return of the employees back to their home countries and pursued administrative penalties with the company.

The MoI does not monitor trafficking crimes, include them in the police training curriculum, nor conduct trafficking-related investigations.

Victims of trafficking reportedly were prosecuted for a number of crimes, including prostitution and document and passport fraud. There were also documented cases of women victims being kept in "protective custody" in detention centers to deter violence against them by their families and traffickers. Few shelters existed in the country; most are run by NGOs.

Persons with Disabilities

The law prohibits discrimination against persons with physical disabilities. The government enforced the law in the government but not in the private sector.

MoLSA operated several institutions for the education of children and young adults with disabilities. These institutions offered basic educational services; however, they did not have access to appropriate educational technology due to the lack of training and funding.

Seventeen institutes operated in Baghdad and the provinces for persons with mental and psychological disabilities and housed approximately 1,000 persons. Additionally, there were 33 institutes throughout the country for persons with physical disabilities, including homes for the blind and deaf, as well as vocational/rehabilitation homes. The government provided benefits for thousands of veterans with disabilities, many of whom supplemented their benefits with some employment.

National/Racial/Ethnic Minorities

Ethnically and linguistically, the country's population includes Arabs, Kurds, Turkmen, Chaldeans, Assyrians, Shabak, and Armenians. The religious mix is likewise varied.

Assyrians and Chaldeans are considered by many to be a distinct ethnic group. These communities speak a different language, preserve Christian traditions, and do not define themselves as Arabs.

The constitution identifies Arabic and Kurdish as the two official languages of the state. It also provides the right of

citizens to educate their children in their mother tongue, such as Turkmen, Syriac, or Armenian, in government educational institutions in accordance with educational guidelines, or in any other language in private educational institutions.

During the year, discrimination against ethnic minorities was a problem. There were numerous reports of Kurdish authorities discriminating against minorities in the North, including Turkman, Arabs, Christians, and Shabak. According to these reports, authorities denied services to some villages, arrested minorities without due process and took them to undisclosed locations for detention, and pressured minority schools to teach in the Kurdish language. Ethnic and religious minorities in Kirkuk frequently charged that Kurdish security forces targeted Arabs, Turkmen, and Shabak.

Palestinians reportedly experienced arrest, detention, harassment, and abuse by police, by individuals pretending to be police, and by the general public. A law concerning citizenship came into effect in March (see section 2.c.). Its provisions prevent Palestinians from obtaining citizenship, or Jews who immigrated to other countries, from reclaiming it.

Other Societal Abuses and Discrimination

There was societal discrimination and reported violence against individuals based on sexual orientation. Laws that criminalized sexual assault against minors were used in a manner that targeted homosexual youth. There were several reported examples of juveniles sentenced to up to 10 years in jail for having engaged in same-sex sexual relations.

An advocacy group reported attacks on homosexual men by armed groups and militias during the year. For example, militias and men wearing police uniforms reportedly kidnapped at least five members of an advocacy group in al-Shaab, a poor Shi'a area of Baghdad in December. The mutilated body of one appeared several days later. Other reports of persons targeted because of their sexual orientation who were kidnapped or disappeared in Baghdad in the last months of the year included activists, a clothing store owner, and four barbers.

Section 6 Worker Rights

a. The Right of Association

The constitution provides the right to form and join unions and professional associations, subject to regulating law. The exercise of labor rights remained limited, largely due to insurgent and sectarian-driven violence, high unemployment, and maladapted labor organizational structures and laws.

The MoLSA Labor Directorate has jurisdiction over the labor code, child labor, wages, occupational safety and health issues, and labor relations.

The government was the largest employer in the country, and the status of government workers remained unclear. Under the 1987 labor law, government workers were considered professionals not entitled to join unions. This prohibition remained unenforced, although unmodified. In this situation, some government agencies tacitly accepted unions, while others banned them. There were no legal or practical restrictions on who may be a union official or advisor, excessive or arbitrary registration requirements, or restrictions on union political activity. The law did not prohibit antiunion discrimination by employers or others.

During most of the year, MoLSA recognized and dealt with unions belonging to the General Workers Federation of Iraq.

There were no reported prosecutions of unions, union federations, or leaders for corruption during the year.

b. The Right to Organize and Bargain Collectively

The constitution states that every citizen has the right to demonstrate and strike peaceably in accordance with the law. There were no reported reprisals against strikers. Typically strikes in the public sector occurred due to low salaries. More common than strikes were popular protests over unemployment or lack of basic services. The law does not address collective bargaining, which is prohibited in the public sector and was not widespread in the country. Government labor courts are empowered to rule on labor code violations and disagreements.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices

occurred (see Section 5, Trafficking in Persons). According to some press reports, foreign workers in the country were subjected to abusive treatment (see section 5, Trafficking in Persons).

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor; however, the government did not effectively enforce these laws. The law limits working hours for workers less than 18 years of age and prohibits their employment in dangerous occupations. The minimum age for employment is 15 years. The Child Labor Unit of MoLSA's Labor Directorate had neither enough inspectors nor resources to enforce the law, maintain programs to prevent child labor, or remove children from such labor.

Despite the various laws and regulations, children were routinely used as an additional source of labor or income among the one million families subsisting on a daily income of less than \$1.00 (1,300 dinars). This work often took the form of seasonal manual labor in rural areas. In cities it often meant begging or peddling a variety of products, as well as working in sometimes hazardous automobile shops or on construction sites.

Projects to combat child labor were few, and those that existed affected few children. The government took action only as funded by the UN Children's Fund (UNICEF) or NGOs. For example, the Italian branch of the international NGO Terre des Hommes and UNICEF operated a rehabilitation and counseling center for a small number of working street children in Baghdad. Kurdish authorities supported several small-scale projects to eliminate child labor in the KRG area. UNICEF had established centers for working children in Irbil.

e. Acceptable Conditions of Work

Wages are set by contract in the private sector and set by the government in the public sector. The average salary was approximately \$1,250 per year (1,625 million dinars). Unskilled workers must work 357 days per year to achieve this figure. These earnings were barely above poverty level (\$2.00 per day or 2,600 dinars) and did not provide a decent standard of living for a worker and family. A teacher can provide for a spouse and three children at the poverty level.

The standard workday is eight hours with one or more rest periods. Up to four hours of overtime work per day is permitted, and premium pay for overtime is required.

According to some press reports, foreign workers in the country were subjected to abusive treatment; no legal action in this area was reported. According to press reports, foreign workers were also induced, tricked, or forced to enter the country for work via nearby countries including Dubai, Turkey, and Kuwait. In some cases the foreign workers were complicit in finding ways to enter the country or in accepting the wage inducements when they faced travel prohibitions to the country from their home country; in other cases, they were the victim of a more compulsory fraud involving passport confiscation or outright fraud where they discovered their destination en route. Some countries of origin undertook efforts to educate and to repatriate workers.

The occupational safety and health component of MoLSA had approximately 129 staff located throughout the country. The law provides that workers have the right to remove themselves from a situation endangering health and safety without prejudice to their employment. Occupational safety and health standards and programs existed and were sometimes enforced in state-owned enterprises. Enforcement of safety standards at private sector work sites was intermittent, and programs were rare. Most occupational safety issues were linked to violence and terrorism, not health.