

APPENDIX 1

RECOMMENDATIONS PROGRESS REPORT

This appendix is intended to serve as a progress report on all recommendations issued in the 2004 edition of *Countries at the Crossroads*. We have asked the analysts for the countries featured in both the 2004 and 2006 editions to provide an update on each 2004 recommendation, briefly conveying whether any progress was achieved in the two-year period as well as the extent to which the governments have made an effort to reach these goals.

While the countries' records are mixed, the appendix illustrates that, in many areas in which the need for reform is most urgent, the government has taken no action at all. In other cases, it is evident that needed draft laws have been proposed but not ratified, implemented, or enforced, thus rendering such efforts largely ineffective.

We hope that this progress report will provide policy makers, government officials, and members of the media with a useful tool for identifying those issues of lasting concern in the surveyed countries as well as recognizing where progress has, in fact, been made.

ARMENIA

Accountability and Public Voice

2004: The government should implement electoral laws already on paper; measures against electoral fraud need to be strictly enforced.

2006: The November 2005 constitutional referendum suggests that Armenia's ruling elite remains unwilling to commit to these goals.

2004: The ruling elites should stop using government resources for their election campaigns.

2006: The regime again resorted to this practice in the run-up to the referendum.

2004: The authorities must give up their de facto control over electronic media by amending the broadcasting legislation and lifting the ban on A1+.

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2006: The ban on A1+ has not been lifted. The amended constitution contains provisions that could make a state body granting and revoking broadcasting licenses more independent, but it will be several years before these provisions take effect.

2004: Libel should be regulated by civil, not criminal law.

2006: Libel is still regulated by criminal law.

Civil Liberties

2004: Armenia's political leadership must take real steps to eliminate the widespread ill-treatment of criminal suspects in custody.

2006: The government has taken no action in this area.

2004: Security officials guilty of human rights abuses must face punishment. Jail terms for such crimes must be lengthier. Armenian courts must stop ignoring defendants' claims of physical abuse.

2006: The government has taken no action in this area.

2004: Reform of Armenia's code of administrative offenses, which has proved to be a powerful tool for political repression, is urgently needed. The authorities should draw up a new code from scratch and avoid enforcing controversial provisions of the existing one in the interim.

2006: The Soviet-era code remains in force, and the authorities continue to apply it arbitrarily.

Rule of Law

2004: Armenia's parliament should be given the authority to confirm or block judicial appointments made by the president. This will require corresponding changes to the constitution.

2006: No such changes have been made in the constitution.

2004: The president should be stripped of his constitutional right to sack virtually all judges.

2006: The constitution has been amended to restrict this authority.

2004: Armenia should enhance judicial oversight of criminal investigations conducted by police and prosecutors. The courts must stop rubber-stamping practically all pretrial detentions requested by the prosecutors.

2006: The government does not seem to have done anything to make the courts less subservient to the prosecutors.

2004: Legal amendments are needed to bring the system of criminal justice, still based on Soviet-era practices, closer to Western standards.

2006: The corresponding constitutional amendments are a step in the right direction but unlikely to be sufficient.

2004: The government must work harder to combat the rampant corruption in the judiciary and law enforcement agencies.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: The authorities must fight corruption in earnest. That means investigating and punishing corrupt government officials regardless of their position and political connections. All necessary laws are in place, but they need to be enforced. Any anticorruption drive must encompass the law enforcement agencies, where graft is rampant and particularly damaging to public confidence.

2006: The government has taken no action in this area.

2004: Parliament should pass stronger legislation to combat illegal practices, including a law on conflict of interest. Also, the existing law on financial disclosure must be amended to allow for the verification of officials' financial statements.

2006: No such legislation has been passed by parliament.

2004: The Audit Chamber should be given more powers to inspect any government agency. Its critical findings should automatically entail parliamentary and/or criminal inquiries.

2006: The chamber remains hamstrung by a lack of authority and remains susceptible to political pressure from parliament leadership.

2004: Government bodies should become more open to the media. A freedom of information law would be very useful.

2006: Such a law has been enacted, but its positive impact on government transparency has not become visible yet.

AZERBAIJAN

Accountability and Public Voice

2004: The government must engage in meaningful consultation with the civic sector in a more open political space.

2006: No action has been taken.

2004: Election observers' monitoring practices should be brought into line with Council of Europe standards. Toward this end, the government should remove the ban on election monitoring for local NGOs that receive financial support from international sources.

2006: The government removed the ban shortly in advance of the 2005 parliamentary elections, which was a positive step. In the future, the authorities must ensure that independent NGOs can monitor the election process without interference.

2004: The government should take steps to bring fairness to the composition of the Central Election Commission, which now disproportionately weights its membership toward the ruling YAP party.

2006: No action has been taken.

2004: Measures should be taken to reform and render television and radio licensing procedures more transparent, including the formation of a board not appointed or otherwise controlled by the president to oversee such licensing.

2006: No action has been taken.

2004: The state should ensure that public television and radio meet appropriate standards of programming independence under the direction of a politically diverse board of eminent persons from the broad political spectrum, including opposition figures.

2006: Azerbaijan's first public-service broadcasting channel (ITV) came into being in August 2005, three months before the 2005 parliamentary elections. Candidates did have more free airtime than in past election cycles, a welcome step that should be institutionalized going forward. However, the imbalance in the composition of the nine-member public broadcasting steering committee that oversees programming content and strategy raises serious questions as to whether ITV can fulfill its promise as a truly independent voice in Azerbaijan's media.

Civil Liberties

2004: The authorities must ease the profound institutional control that cuts across all sectors of Azerbaijani society. A major step in this regard would be support for a more resilient civil society, from both the Azer-

baijani authorities and the international donor community, with a goal of broader and more meaningful political participation.

2006: No action has been taken.

2004: The government should facilitate and encourage smoother registration and compliance procedures for NGOs.

2006: While the Ministry of Justice's response time to NGO applications has improved since the law on the registration of legal entities was passed in 2003, questions remain about the fairness with which NGO applications are evaluated and the basis on which registration is denied.

2004: The authorities should make needed amendments to national legislation with respect to countertrafficking measures, particularly in devising aggressive state policies against trafficking and eliminating contradictions between the constitution and the criminal code, which impede implementation of international treaties at the national level.

2006: In June 2005, Azerbaijan's parliament adopted a law on fighting human trafficking, which included provisions for appointment of a new national coordinator empowered to oversee the establishment of several special rehabilitation centers designed to aid victims of human trafficking. These and other provisions of the law need to be fully implemented.

Rule of Law

2004: The judicial selection process should be reformed in accordance with the requirements of Azerbaijan's membership in the Council of Europe.

2006: In 2005, the authorities established a new system for testing and approving judges and approved the first class of judges under this new system, which contains a range of safeguards.

2004: An independent, self-governing bar association, as envisioned in legislation passed in 1999, should be created.

2006: No action has been taken.

2004: Steps to enhance judicial independence and transparency are crucial. Toward this end, resources should be devoted to increased staffing and to case-tracking systems that would make information available for public records.

2006: No action has been taken.

Anticorruption and Transparency

2004: To combat the pervasiveness of official corruption, the government should make a priority of passing the Draft Law on Corruption and ensure that its provisions are implemented once in force.

2006: A law on combating corruption was adopted in January 2004. However, the authorities have yet to implement the range of provisions contained in this law.

2004: To bring greater integrity to the election process, candidates for public office should comply with the letter and the spirit of the election code's provisions requiring financial declarations, and noncompliance should bring swift and certain consequences.

2006: No action has been taken.

BAHRAIN

Accountability and Public Voice

2004: The government needs to end all policies that dilute or skew the electoral process. In particular, the ongoing practice of granting voting rights to a select group of non-Bahrainis with close ties to the regime should be replaced with a nondiscriminatory and transparent process of conferring naturalization and full citizenship rights on a broad spectrum of long-term residents in the country.

2006: The government has taken no steps to address this issue, although the National Assembly has begun to discuss the problem of political naturalization in a serious fashion.

2004: The government of Bahrain should continue to make high-ranking officials available to the local press.

2006: Official press briefings and question-and-answer sessions continue to take place on a regular basis.

2004: The international community should actively intervene on behalf of reporters and editors who face civil or criminal charges for writing or publishing reports that are factually true yet politically sensitive or otherwise unflattering to the regime.

2006: Various civic groups have written letters to the Bahraini government regarding specific cases but no such active intervention by the international community has occurred.

2004: The Kingdom of Bahrain should rescind the restrictive Press and Publications Law of 2002 and replace it with regulatory legislation drafted by the national assembly, in consultation with professional journalists, human rights organizations, and press freedom groups.

2006: The 2002 Press and Publications Law remains in force.

Civil Liberties

2004: The regime must uphold its commitment to liberal principles and follow through with political and legal reforms.

2006: Progress toward political liberalization has slowed markedly, although municipal and parliamentary elections are scheduled to take place in May and October 2006.

2004: Police and intelligence service personnel should be trained to recognize and accept civil liberties as a matter of general principle. Officers who develop and implement ways to respond to nonviolent public demonstrations without the use of excessive force should be rewarded.

2006: Police response to popular demonstrations has become less brutal, although this trend does not appear to have been codified.

2004: Ambiguity concerning the legality of exiling political dissidents needs to be clarified.

2006: While exile is not currently being used to punish political dissidents, the issue remains legally ambiguous. The amended constitution of 2002 protects citizens from any imposed limitations on their freedom of movement but does not explicitly guarantee that Bahraini citizens will not be forced into exile.

2004: Contradictions regarding family and personal status law between state and religious courts, particularly with respect to women, must be resolved.

2006: Such contradictions persist, and women are routinely treated differently from men in both civil and religious court proceedings.

2004: The government should expand both educational and employment opportunities and social services for the most disadvantaged groups in Bahraini society and recognize the dangers inherent in situations in which opulent wealth and conspicuous consumption exist alongside widespread poverty and despair.

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2006: High levels of unemployment and restricted educational opportunities continue to plague the local Shiite community.

2004: The government must rescind Decree Number 56 (granting blanket immunity from criminal and civil prosecution to any official suspected of inflicting torture or otherwise violating human rights in the past) and thoroughly investigate and punish perpetrators of torture.

2006: Decree Number 56 remains in force.

Rule of Law

2004: The government of Bahrain must create a coherent network of judicial institutions that replaces arbitrary procedures, deliberations, and rulings with predictable, transparent, and routine proceedings.

2006: Uncertainty continues to pervade the operations and deliberations of the judicial system, which remains divided into two separate branches (the civil law courts and the Sharia courts).

2004: Judges and public prosecutors who hold their positions due to personal ties to the ruling family should be replaced with professional jurists who have completed formal education in the law.

2006: The legal system remains firmly in the hands of senior members of the ruling family, and the king maintains the right to appoint all judges by royal decree.

2004: Private property rights must be codified and respected, and long-standing forms of community property should be legally defined and registered in ways that protect them from abrupt confiscation.

2006: The government has taken no steps in this direction.

Anticorruption and Transparency

2004: The government of Bahrain should act in accordance with the terms of the National Action Charter and take concrete steps to heighten the transparency of all contracts and agreements drawn up by state agencies.

2006: State officials have done little to heighten the transparency of contracts and agreements, although the National Assembly has begun to discuss such measures.

2004: Financial and administrative auditing and monitoring structures that are envisaged in law should be rapidly created, operate transparently, and be allocated sufficient resources to conduct thorough investigations.

2006: Auditing of government operations remains rudimentary.

CAMBODIA

Accountability and Public Voice

2004: The government should end election violence and intimidation, guarantee candidates equal and fair news coverage, and ensure the unbiased dissemination of information by village chiefs.

2006: The government has taken no action in this area; however, no elections were held in the surveyed period.

2004: Electoral reform needs to continue, particularly improvement of registration and complaints processes, as well as reform of the NEC and its provincial counterparts.

2006: The government has taken no action in this area.

2004: Voter education should be strengthened emphasizing the role of elections and the legislature, appropriate official complaints channels, and the rights and responsibilities of voters.

2006: The government has facilitated international assistance in this area, including voter education and the strengthening of domestic election monitoring capacity.

2004: The government should take measures to improve government accountability and transparency, including establishing regular channels for government dialogue with civil society on policy making, merit-based civil service appointments, and assistance to strengthen the monitoring role of the National Assembly.

2006: The government has facilitated internationally funded programs to strengthen the technical capacity of the National Assembly and reform the civil service but has not established regular dialogue with civil society organizations.

2004: The government must desist from interfering with and intimidating the media and ensure that media licensing procedures are not subject to bias.

2006: The government has taken no action in this area.

Civil Liberties

2004: State leaders must make a genuine commitment to end impunity and to invest resources sufficient to promote change in state and social practices.

2006: The government has reiterated its commitment to ending impunity but has not matched such statements with substantive action.

2004: The government should fully and promptly investigate allegations of state torture and ensure appropriate prosecution and punishment, including through an effective Khmer Rouge Tribunal. Practical measures aimed at preventing torture are necessary, such as regular and independent prison inspections, guaranteed access to prisoners, and procedures to make evidence obtained through torture inadmissible in court.

2006: The government has made progress toward establishing the Khmer Rouge Tribunal but has not implemented effective systems to prevent or investigate torture.

2004: Police and prison detention conditions must be improved, including food, clothing, and health care.

2006: The government has facilitated some international assistance to improve prison conditions and engaged in dialogue with international partners on prison reform but has not significantly improved conditions in detention.

2004: Greater efforts should be made to reduce discrimination against women and ethnic minorities, particularly Vietnamese.

2006: The government has continued efforts to better integrate gender issues into government policy formulation and has enacted a Law on Domestic Violence but has not taken steps to ameliorate discrimination against ethnic Vietnamese.

2004: Efforts to combat human trafficking and the sexual and commercial exploitation of women and children need to be increased.

2006: Despite continued statements of commitment, the government has not stepped up efforts in this area.

Rule of Law

2004: State leaders must commit themselves to ending executive interference in the judiciary.

2006: The government has taken no action in this area.

2004: The government should upgrade the legal framework by enacting the draft penal code, code on criminal procedure, civil code and code on civil procedure, and subsidiary regulations.

2006: The government committed itself at the December 2004 Consultative Group meeting to enacting these laws but has made little progress toward this end.

2004: The government should expedite the structural reform of judicial institutions, including amending laws to clarify the organization and functioning of courts.

2006: The government has committed itself to amending the Organic Law on the Organization and Functioning of the Courts, which is still under revision by the Ministry of Justice.

2004: Judicial professionalism should be improved, including through training to improve trial procedures.

2006: The government has taken steps to improve training for judicial officials, including the establishment of a Royal School of Judges and Prosecutors in November 2003.

2004: Judicial corruption must be addressed, including through the establishment of an independent anticorruption commission; support for independent monitoring of the judiciary; improved transparency of criminal processes, including mandated presence of lawyers for the accused and prohibition of trial judges' reviewing evidence prior to trials; and strengthening the ability of the judiciary to resist corruption through improved personal security and adequate remuneration.

2006: The government has taken no action in this area.

2004: Access to justice should be improved through the establishment of a state-funded legal aid program.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: The government should seek to end the culture of impunity by imposing stiff anticorruption measures, such as enacting laws on anti-corruption, assets declaration, and conflict of interest; establishing an independent anticorruption commission; ensuring the independence of the National Audit Authority (NAA) and strengthening its technical capacity; and prioritizing the establishment of an independent ombudsman's office.

2006: The government has made further, slow progress on the draft anti-corruption law, which would establish an anticorruption commission, and the technical capacity of the NAA has been improved through international assistance.

2004: The civil service needs reform, including increased salaries and extensive education to change entrenched behavior. This can be funded by a streamlining of the civil service and by foreign aid.

2006: The government has continued to make incremental progress toward civil service reform, with international assistance.

2004: The parliamentary processes should be improved, especially with respect to the capacity of the legislature to monitor government performance and conduct meaningful dialogue with constituents.

2006: Efforts to strengthen the capacity of the National Assembly to monitor government performance have continued with international assistance. Capacity remains weak, however, and processes to ensure meaningful interaction with constituents have not been implemented.

2004: Public finance reform should continue, particularly of public procurement and budget reconciliation procedures.

2006: The government has continued to make incremental progress in this area, with international assistance.

2004: Access to information needs improvement, including through enacting freedom of information legislation and strengthening the information infrastructure.

2006: At the 2004 Consultative Group meeting, the government committed itself to preparing a legislative framework to facilitate access to state information and to improve access to information but has not yet demonstrated progress in either area.

EAST TIMOR

Accountability and Public Voice

2004: Top priority must be given to setting a date, or date range, for the first parliamentary election and to passing laws to govern the electoral process.

2006: Elections have been set for 2007, but no such laws have been developed.

2004: The government should set up a professional independent body accountable to parliament to administer the election. The new election body should evaluate the previous election to highlight specific problems that need to be addressed.

2006: Electoral authority has been established under the State Administration Ministry, answerable to the minister.

2004: East Timor's leaders must be extremely vigilant about their conduct and their respect for separation of powers, the independence of the judiciary, and freedoms of speech and the media.

2006: The need for vigilance is ongoing.

2004: A journalists' media commission should be encouraged in order to provide a voice for the media, and laws to protect journalists should be introduced.

2006: The government has proposed an amendment to the Penal Code that would criminalize defamation; the president can still veto the decree. The establishment of a media council is under active discussion.

Civil Liberties

2004: More steps are needed to reduce detentions, including a systematic review of existing prisoners and expedited hearings for cases that have extended beyond a reasonable standard of detention.

2006: Improvements have been made, especially with 72-hour hearings. Yet further reforms are needed.

2004: In cooperation with civil society, the East Timor government should invest in workshops to promote mutual understanding among ethnic groups to reduce future conflict and address existing prejudices.

2006: No government workshops have been held on ethnic conflict, and the issue is not seen as an immediate priority.

2004: Police officers and military forces should have human rights training and greater exposure to professional security forces.

2006: The police and military have received human rights training, and exposure to international security forces is ongoing. Further methods of entrenching a human rights approach to policing must still be considered.

2004: More effort needs to be directed to educating the population on new laws, and incidents of bias need to be strongly condemned.

2006: The government has made no progress in this area.

Rule of Law

2004: Efforts should be made to address deficiencies in the legal sector, including inadequate language skills and professional training. Such efforts should include recruitment of additional prosecutors, training in administrative skills and records management, and increased funding for the Office of Public Defenders.

2006: Many measures are being implemented in the legal sector, and its deficiencies are recognized and being addressed gradually in partnership with donors.

2004: The East Timor government must improve legal representation for suspects through the expansion of legal aid programs.

2006: Public defenders are undergoing training.

2004: The use of Portuguese as the official language of the legal system—at least in the short term—should be reconsidered.

2006: This issue has not been reconsidered.

2004: International personnel should have a greater role in the judicial system on a temporary basis, and care should be taken to promote the transfer of skills to East Timorese.

2006: International judges, prosecutors, and legal advisers are assisting the legal system.

Anticorruption and Transparency

2004: The establishment of the constitutionally mandated ombudsman, or Provedor de Justiça, and the resources necessary to support the office are urgently needed. If, as is the case in the judicial system, personnel are insufficiently trained, the government of East Timor should request

international assistance to help run the office of the ombudsman, with a special emphasis on training East Timorese as soon as possible.

2006: An ombudsman has been appointed, an office established, and staff training undertaken. International assistance is being provided to the office.

2004: The government should introduce tougher measures to address corruption and introduce protection for whistle-blowers.

2006: Anticorruption measures are being addressed but are not yet in place. No whistle-blower protection has been achieved.

2004: Open bidding should be used in all government contracts, and the terms of public contracts should be made available to the public.

2006: This goal has not yet been achieved.

2004: Strict measures should be introduced into the bureaucracy involving conflicts of interest and nepotism.

2006: This goal has not yet been achieved.

2004: The government should set up an anticorruption agency.

2006: Corruption is handled by the Office of the Inspector General and/or by the ombudsman.

GEORGIA

Accountability and Public Voice

2004: The government must ensure that serious past irregularities, including ballot-box stuffing and biased media coverage, are not repeated in future elections and that the results reflect the true will of the people.

2006: The January 2004 presidential and March 2004 parliamentary elections marked an improvement over the November 2003 elections in several respects, including progress in the administration of the election process, greater secrecy of the ballot, and efforts to increase the participation of national minorities.

2004: Greater participation of ethnic minorities and women in the political process should be encouraged through steps including improved availability and access to Georgian language courses for minorities and public education efforts for both groups.

2006: There has been some progress in this area. In addition to efforts to encourage national minorities to participate in the political process,

the government has created several initiatives including free language classes and the rebroadcasts of Georgian television news programs in translation.

2004: The government should take more active steps to ensure the independence of the country's media by, among other things, repealing libel and slander legislation used to intimidate journalists into not publishing reports critical of the government. In addition, the authorities must thoroughly investigate and pursue violence against journalists perpetrated by police and nonstate actors.

2006: Progress in this area has been limited. In June 2004, libel was decriminalized and the parliament passed the Law on Freedom of Speech and Expression, which shifted the burden of proof in defamation cases to the plaintiff. However, the government continues to exercise indirect control over the media, and journalists are still subjected to extralegal intimidation and violence.

Civil Liberties

2004: To help address the prevalence of ill-treatment of detainees and suspects by law-enforcement officials, victims should be given the opportunity to make complaints before a judge regarding torture during investigations.

2006: The government has taken several important steps to address torture and ill-treatment of detainees. For example, a measure was passed stipulating that testimonies obtained in pretrial detention could be used as evidence only if the defendant confirms their truthfulness in court.

2004: A law on religion should be adopted that would provide legal protections for all religious groups, and prompt legal action should be taken against those who attack members of minority faiths.

2006: No formal law has been adopted; however, the government has successfully prosecuted and convicted several individuals guilty of crimes against religious minority groups.

2004: Women who are victims of sexual assault or trafficking should have access to basic assistance services.

2006: No significant progress has been made in this area.

2004: The government should, when financially possible, provide members of minority ethnic groups with greater opportunities to learn Georgian and integrate more fully into Georgian society.

2006: The government has created several initiatives to this end, including rebroadcasts of Georgian television news programs in translation and free legal consultations for ethnic Armenian populations in certain regions.

Rule of Law

2004: The rule of law in Georgia must be strengthened by increasing the number of qualified judges and providing them with adequate and timely financial compensation to reduce instances of bribery.

2006: Some progress has been reported. Most notably, judges' salaries have been raised.

2004: Documented complaints of judicial corruption should be investigated by an independent body, and appropriate disciplinary measures should be taken.

2006: No significant improvement has been recorded.

2004: The rights of detainees should be enforced, including informing them promptly of the charges against them and providing them access to attorneys of their own choosing as required by law.

2006: Despite several legal provisions, the rights of detainees are still frequently abused.

2004: Courts should not be permitted to make convictions based on confessions that have been extracted under torture.

2006: New measures have been passed to tackle this issue. For example, testimonies obtained in pretrial detention can now be used as evidence only if the defendant confirms their truthfulness in the court. In addition, witness testimonies obtained outside the courtroom can now be read during a trial only if the witness agrees to it while in the court.

Anticorruption and Transparency

2004: Having recently established high-profile mechanisms to address the country's endemic corruption, the government must take further steps to produce concrete results, including implementing key recommendations

of the anticorruption council. As part of this process, the internal auditing mechanisms of government agencies should be strengthened, and the tax code should be simplified to prevent confusion and opportunities for the exercise of undue discretion by tax and customs officials.

2006: The government has made notable progress in its attempts to combat corruption. For a more detailed description see the “Anticorruption and Transparency” section of the 2006 Georgia report.

2004: Adequate safeguards should be provided for whistle-blowers exposing corrupt activities, including witness-protection programs.

2006: The government has instituted certain protections for whistle-blowers through the Law on Freedom of Speech and Expression

2004: Widespread corruption in the educational system must be tackled through such measures as the adoption of standardized entrance examinations and increased government financing for state schools.

2006: The government recently introduced standardized university entrance exams, which are evaluated by independent agencies instead of universities, as was previously the case.

2004: Government accountability and transparency can be enhanced by providing the public with more comprehensive and timely information on draft legislation and policies.

2006: The government has taken limited steps in this direction, although some NGOs complain that the government still does not provide enough time for public discussion when important decisions are made.

GUATEMALA

Accountability and Public Voice

2004: The government needs to institute adequate campaign finance laws.

2006: Although the government has begun to tackle electoral reform, campaign finance laws have been set aside awaiting second-generation reforms expected in 2006.

2004: The government should do more to protect the freedom of speech. This requires a crackdown on clandestine groups that have targeted those committed to exposing abuses and pursuing justice.

2006: Harsh libel laws have been successfully challenged in the courts, contributing to the establishment of a climate more conducive to freedom of speech. Yet the government has done little to crack down on clandestine groups.

2004: Indigenous and women's groups are formulating concrete proposals designed to foster greater political participation. Enhanced government collaboration with these groups would help contribute to the expanded political participation of women and the Mayan population.

2006: The government has displayed a willingness to collaborate with women and indigenous sectors and to table legislation designed to remedy their marginalization. Yet legislation has not resulted in the concrete policy initiatives still much needed to address continued socioeconomic, political, and cultural discrimination.

Civil Liberties

2004: A willingness to identify, confront, and root out the clandestine groups responsible for much of the country's violence would represent a positive first step.

2006: The government has taken no action in this area.

2004: The newly elected administration should endeavor to collaborate directly with civil society to alleviate residual forms of discrimination. Many of the reforms required are outlined in the indigenous and socioeconomic accords but await action; in other cases, legislation introduced, such as the language law, must translate into genuine reform.

2006: Some progress has been achieved, although the scale of the problem requires more concerted attention and action.

2004: Attention should be paid to enacting comprehensive education reforms that both improve access for disadvantaged groups and permit the revision of curriculums in ways that tackle persistent prejudice.

2006: Education legislation designed to address prejudice and discrimination has been introduced; efforts still need to be made to support the development of curriculums and to improve access.

Rule of Law

2004: The 2004 budget must be revised to permit the strengthening of key judicial institutions, including the civilian police and the court system.

2006: The government has taken no action in this area.

2004: The further expansion of rural tribunals, incorporation of customary law, and provision of services in indigenous languages, along with the revival of the public defender's office, could persuade Mayan communities that the legal process serves their needs, thereby diminishing rural violence.

2006: The government has taken no action in this area.

2004: The judicial system requires further modernization to speed up and streamline the trial process.

2006: The government has taken no action in this area.

2004: Judicial autonomy must be enhanced. This could be achieved by the introduction of legislation designed to depoliticize judicial appointments and by a commitment to enabling judicial officials to perform their tasks—tackling impunity and working to guarantee that justice is served—without threat to their lives and livelihood.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: The government must observe the significant fiscal reforms recently introduced and pass tightened and further laws that guard against conflict of interest and enhance governmental transparency.

2006: The government has failed to make any progress in this area.

2004: The government must provide an environment in which judicial investigations into graft can proceed unimpeded.

2006: Judicial investigations into graft have begun, but they have often been stymied by the politicization of the judiciary as well as bribes and intimidation of prosecutors and presiding magistrates.

2004: The UN Commission to Investigate Illegal Armed Groups and Clandestine Security Apparatus should be established promptly, and its findings and recommendations translated into swift actions that not only target previous administrations but safeguard against future acts of corruption.

2006: This measure has not yet been introduced.

INDONESIA

Accountability and Public Voice

2004: The parties have agreed to modify the system of closed-list proportional representation. However, the parties maintain control over the ranking of candidates on the lists. Further movement toward an open list is necessary.

2006: In the 2004 elections, an “open-list proportional representation” system was used in which voters could vote for a single individual as well as for a party. The system was complex, however, and had little impact on the outcome, with the result that party rankings of candidates tended to prevail.

2004: Making more information available about political party financing and government operations would enable civic groups to mobilize public pressure more effectively in order to enhance accountability between elections.

2006: Little progress has been made in this area; civil society groups and monitoring bodies complain that party finances are still not transparent.

2004: Continuing efforts are needed to protect journalists and their right to report freely on critical issues, including internal conflicts such as that in Aceh.

2006: Little progress has been made in this area.

Civil Liberties

2004: The government must provide training for current police and new recruits in areas ranging from basic policing skills and tactics to the handling of complex investigations into transnational threats, such as terrorism and human trafficking, as well as political and financial corruption.

2006: Police training is improving, in part with the assistance of donor countries, but the challenges remain enormous.

Rule of Law

2004: The most pressing need is to disable the court mafia that involves judges, prosecutors, and defense attorneys in the regular fixing of cases.

2006: Some steps have been taken to improve probity in the judicial system, but the court mafia remains entrenched.

2004: Enhanced training for judges and prosecutors in applying and interpreting the law is necessary, particularly in areas such as corruption and human rights. However, court officials also need a more supportive political environment in order to work effectively.

2006: Training of judges and prosecutors is improving slowly. The political environment has not changed markedly.

2004: Civil society must be strengthened to help reduce the rewards for fixing cases. This means not just enhancing the capacity of government watchdog groups but raising awareness among the general public about the rights to which they are entitled and the opportunities available to them to pursue justice.

2006: Civil society monitoring requires further strengthening. Awareness of legal remedies among the general public remains low, while alienation from the legal system is common.

Anticorruption and Transparency

2004: The government should make use of information such as asset declarations to hold officials legally and politically accountable.

2006: While there has been a slight overall improvement in government efforts to eradicate corruption, assets declarations are still not used as the basis of investigations and prosecutions.

JORDAN

Accountability and Public Voice

2004: Both the executive and legislative branches of government should be popularly elected, and citizens should have guaranteed access to pending legislation and regulations.

2006: Little action has been taken in this area. An unrepresentative parliament was elected in 2003 under rules similar to those that have existed since 1993.

2004: In the next several years, Jordan should initiate a broad public dialogue on the legislative election law and consider whether to abolish the one-person, one-vote electoral system in favor of a system that would strengthen political parties.

2006: The king formed the National Agenda Committee to discuss such reforms, but its dialogue is not public, and its proposals are not yet fully known.

2004: Jordan should consider redrawing its electoral districts so that the number of legislators per district is based on population.

2006: No action has been taken.

2004: Jordan should reduce restrictions on the press, including repealing legislation that criminalizes defamation or insult of the royal family and public officials; eliminating capital requirements for newspapers; abolishing mandatory membership for journalists in the Jordan Press Association; liberalizing the broadcast media; and refraining from direct and indirect censorship, including any review and prior censorship of books and periodicals.

2006: No action has been taken, although the National Agenda may address some of these issues.

Civil Liberties

2004: The government should publicly acknowledge complaints of torture and police misconduct, perform thorough and impartial investigations of complaints, establish civilian review boards, and prosecute alleged perpetrators where the evidence merits.

2006: No action has been taken, and complaints have mounted.

2004: To increase further the accountability of state officials for human rights violations, the National Human Rights Centre should be granted the authority to conduct investigations and file lawsuits on behalf of private citizens.

2006: No action has been taken.

2004: The Jordanian government should continue its commendable efforts to promote women's equality by pressing for additional legal reform and working to eliminate such barriers to women's advancement as domestic violence.

2006: Parliament has rejected reforms, and legislation awaits upper and lower house compromise.

2004: Jordan should repeal the August 2001 temporary law on public gatherings in favor of more reasonable and less restrictive regulations.

2006: No action has been taken.

2004: The state should streamline and reduce the reporting and disclosure requirements for civil society organizations and permit them to take stances on policy matters and advocate for reform.

2006: Government campaigns against freedom of association and expression have increased.

Rule of Law

2004: High-level Jordanian officials, including King Abdullah, should make clear to judges and other officials, including members of the security forces, that interference in the judiciary will not be tolerated.

2006: No action has been taken.

2004: The government should consider granting the Higher Judicial Council full authority to appoint judges. To increase transparency in the judicial appointment process, the government should publicize widely lists of judicial candidates and eventual appointees.

2006: No action has been taken.

2004: The government should improve the quality of training for judges and continue its efforts to increase the efficiency of the judicial system, both by computerizing court activities and implementing alternative forms of dispute resolution.

2006: A judicial ethics code has been created, but no implementation or supervision is apparent.

2004: The government should repeal the temporary legislation that grants overly broad authority to the prime minister to refer cases to the state security court and implement measures to ensure that all defendants receive timely access to counsel.

2006: No action has been taken.

2004: The military and the Government Intelligence Directorate should be subject to greater civilian oversight. Ministers supervising these ministries should be civilians or surrender their commissions.

2006: No action has been taken.

Anticorruption and Transparency

2004: The government should continue to investigate and prosecute officials who have engaged in corruption, but it should do so in civil courts and in a transparent manner.

2006: No action has been taken.

2004: The state should take additional steps to reduce corruption, such as enacting mandatory financial disclosure laws for public officials and reforming the civil service, including enacting a civil servants' ethics code.

2006: No action has been taken.

2004: Jordan should increase the transparency of state institutions and actions. Positive measures would include opening the budgets of the royal court and armed forces to legislative scrutiny and enacting freedom of information legislation.

2006: No action has been taken.

2004: Jordan should continue to implement the e-government project and take steps to ensure that most citizens have access to electronic government services.

2006: No action has been taken.

2004: The Jordanian government should permit greater civil society involvement in efforts to eradicate corruption and to encourage uninhibited media reporting on corruption stories.

2006: No action has been taken.

KAZAKHSTAN

Accountability and Public Voice

2004: In order for free and fair elections and free media to flourish, the government must cease using both legal and extralegal means to control and suffocate scrutiny and dissent.

2006: The opposition had more opportunities to participate in the 2005 election than in the 2004 legislative elections, but the government continues to use legal and extralegal means to stifle opposition.

2004: The government must end its crackdown on political opposition groups and discard the proposed law on elections.

2006: Some modifications have been introduced.

2004: It is vital that the new law on media and elections not reverse the direction of media and electoral reform in Kazakhstan.

2006: The president vetoed a new antidemocratic media law.

2004: The government needs to address criticisms by opponents about changes to proposed laws and allow for a more open and democratic debate.

2006: There appears to be some increase in public debate, but it does not meet the standards of a democratic society.

2004: The government must cease instigating lawsuits and using threats and coercion in its efforts to stifle the media and opposition.

2006: The government has taken no action in this area.

2004: Registration thresholds for political parties should be lowered, and banned parties should be allowed to resume their activity.

2006: Thresholds remain, but some previously unregistered groups have been registered or have found other means of participation.

2004: Lawyers, judges, and journalists must be better trained to understand press freedoms and the enforcement of constitutional protections with respect to elections and the media.

2006: Education of the public and media by election commissions was better in 2005 than in 2004, but still insufficient.

Civil Liberties

2004: The government needs to continue its progress in improving gender equality within the republic.

2006: The government has focused on education to achieve gradual shifts in women's public roles.

2004: A more progressive law on NGOs than the one proposed is necessary; the restrictive language in the present version must be altered to demonstrate Kazakhstan's willingness to sustain and support civil society.

2006: No such law has been passed. As a result of international pressure, however, the Constitutional Council vetoed two laws on NGOs in August 2005 that would have gone even further to limit the rights of independent nongovernmental groups.

2004: Torture in any form must be criminalized, and laws pertaining to torture must be upheld by authorities. Officials who engage in torture must be prosecuted criminally.

2006: There is little evidence that Kazakhstan is giving priority to this issue.

2004: Kazakhstan's application to be chair of the OSCE should be used by the international community as leverage to encourage reform and to force the government to address civil liberties infringements.

2006: Kazakhstan has demonstrated the limited applicability of this strategy, reminding the international community of the relative paucity of levers available for use in rich states that are slow reformers but not active abusers.

Rule of Law

2004: Constitutional amendments are necessary to make the judiciary free from undue influence by the executive branch and not subject to pressures from the justice ministry.

2006: The government has taken no action in this area.

2004: An intense review of the judicial system as it functions today is imperative in order to address the many areas in which it is ineffective and is operating unlawfully by not upholding the laws as they are designed to be implemented and practiced.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: A viable legal framework that enforces anticorruption laws without political favoritism or arbitrariness is a required first step for Kazakhstan to take toward controlling corruption.

2006: There has been some small progress in this area. While the necessary anticorruption laws are in place, enforcement remains uneven. Most high-profile corruption prosecutions are politically motivated, though the defendants may truly be guilty. Anecdotal evidence suggests the courts are becoming more effective at prosecuting corrupt low-level officials.

2004: All sectors of the government must be held accountable for corruption, including the executive branch; if Nazarbayev is not held

accountable for enforcing policies he himself claims to support, it is highly unlikely the rest of society will take them seriously.

2006: There has been no progress in this area.

2004: The government also needs to direct more attention to education funding and support for transparent practices within education in order to prevent young people from growing up using bribery and other forms of corruption to get through school.

2006: Some progress has been made in this area, and the government's promise to provide 3,000 scholarships per year for foreign training of Kazakh students and postgraduates should lead to substantial progress in the future.

2004: Kazakhstan's desire to join the WTO may offer a way for the international community to establish incentives for the government to enforce and uphold anticorruption measures and increase government transparency.

2006: Kazakhstan has made significant progress in its WTO accession bid, and this could lead to future anticorruption measures and increased transparency.

KENYA

Accountability and Public Voice

2004: The government should ensure that the constitutional review process move forward quickly and refrain from interfering.

2006: The review process did move ahead, but parliament and the government significantly altered the final version, which was defeated in the November 2005 referendum.

2004: The proposed constitution should include provisions reducing executive power.

2006: The final, government-influenced draft significantly reduced the powers of the prime minister, a position that was included in the previous draft precisely to limit executive power.

2004: The media council should have a status similar to that of the Law Society of Kenya, which was established by an act of parliament but which exercises its functions independently and is part of civil society.

2006: Legislation to this effect is being considered.

2004: Electoral reform should include addressing the wide disparities in constituency size.

2006: The Electoral Commission is to undertake a review of constituency boundaries in 2006.

2004: The Electoral Commission's independence and funding should be increased.

2006: The commission has continued to consolidate its independence.

2004: The government should close the vast urban-rural gap in access to information that limits the ability of millions of people to receive adequate information.

2006: A number of initiatives are underway, but their impact remains unclear.

2004: Campaign finance reforms must be passed.

2006: Relevant legislation is being considered but has not yet been introduced into Parliament.

Civil Liberties

2004: Human rights training should be integrated into all levels of law enforcement.

2006: Human rights training occurs only on a sporadic, ad hoc basis.

2004: The government should ensure that any legislation designed to combat terror not circumscribe civil liberties.

2006: The government continues to give official support to draft legislation that could circumscribe civil liberties.

2004: The public policy process in general, and specifically the constitutional reform initiative, should place particular emphasis on promoting women's and disadvantaged minorities' rights.

2006: These issues remain on the public policy agenda, although not with sufficient priority. The defeated draft constitution included provisions in this regard.

2004: The constitution should provide that international human rights conventions be automatically incorporated into domestic law on ratification by the state.

2006: There is no such constitutional provision.

2004: Adequate resources should be provided to the judicial system to ensure that international norms regarding length of detention without trial and prison population size be respected.

2006: Insufficient resources continued to be devoted to eliminating human rights deficiencies in the judicial system.

2004: Justice must be shown to the victims of politically motivated ethnic clashes.

2006: Although there has been some criticism of a relative lack of government attention to this, it has not recently been a high-profile issue.

Rule of Law

2004: Constitutional reform must include the creation of an independent judiciary.

2006: The draft constitution, which did not go far enough in this direction, was defeated; no other progress has been made.

2004: The government should either create an independent commission or strengthen the Judicial Service Commission to monitor judicial performance and appointments.

2006: No such action has been taken.

2004: The judicial system must receive increased resources, as it is the cornerstone of good governance.

2006: The judicial system continues to be significantly underfunded.

2004: The government should take enforcement measures to address corruption and inefficiency in the justice system, including access to legal services by all citizens, especially disadvantaged minorities.

2006: Little progress has been made.

Anticorruption and Transparency

2004: The government should promote legislation that allows Kenyans broader access to information, protects those who would report corruption, and allows for judicial review.

2006: Such legislation is under consideration.

2004: The culture of impunity needs to end, and major cases of corruption need to be prosecuted.

2006: A number of major corruption cases have come to light. Some are being prosecuted, yet these prosecutions have yielded no significant results.

KYRGYZSTAN

Accountability and Public Voice

2004: The Central and Territorial Election Commissions must be freed from executive control.

2006: The government is considering proposals to this end but no action has been taken.

2004: The government must demonstrate rather than merely promise political reform, ending the autocracy.

2006: The postrevolutionary government has ended autocracy.

2004: The use of show trials against members of the opposition must end.

2006: There were no show trials in 2005.

Civil Liberties

2004: The government must ensure that reforms to Kyrgyz institutions and laws yield improved state-society relations.

2006: The government has launched a process to amend and improve the constitution as well as initiated positive new media legislation, but it has taken only tentative steps toward reforming corrupt law enforcement bodies.

Rule of Law

2004: Freeing the judiciary's budget from executive control, increasing the salaries of Kyrgyz judges, and liberating magistrates from executive influence—in both their appointments and their tenure—is essential.

2006: No formal legislation along these lines has been enacted yet, but the government has recognized the problems and promised laws to strengthen the courts and weaken the power of state prosecutors.

2004: The government must free the Kyrgyz courts from executive intervention and manipulation.

2006: The executive has ended the practice of blatantly pressuring judges for particular verdicts.

Anticorruption and Transparency

2004: New initiatives to allow a real measure of local budgeting for the regions must be carried out in practice.

2006: A real measure of local budgeting has not been implemented, but the new government has not yet had the opportunity to present its first post-revolution budget.

2004: Economic decisions should be shifted from migratory state appointees, who are rotated from region to region and thus rarely have vested interests in the oblasts where they are temporarily posted, to local governments, which currently have few real powers.

2006: Steps toward this goal have been taken with promises of an administrative reform in 2007 that would abolish the provincial level of government and leave a three-tier system of central, district, and village authorities.

MALAYSIA

Accountability and Public Voice

2004: Malaysia's Election Commission should be made independent, a first step toward which might involve removing it from the prime minister's department.

2006: The Election Commission has not been subjected to any reforms and was widely criticized for mismanagement during the 2004 general election.

2004: Campaign financing and expenditures should be subjected to clearer regulation.

2006: No such regulations have been adopted.

2004: Civil service recruitment should gradually be widened, providing a larger pool of candidates by which to restore bureaucratic quality.

2006: Prime Minister Abdullah Badawi appears to attach greater importance to the standing and integrity of the civil service, but few meaningful reforms have yet been undertaken.

2004: The Printing Presses and Publication Act should be abolished in order to encourage greater media freedom.

2006: Controls over the print and electronic media during the period under review have not been significantly loosened.

Civil Liberties

2004: The Internal Security Act and the Emergency Ordinance should be repealed and replaced by better police work and open trial proceedings.

2006: Prime Minister Abdullah has continued strongly to defend the principle of preventive detention.

2004: The University and University Colleges Act should be repealed and the Police Act loosened. In this way, various elements of civil society could keep the government more closely accountable.

2006: Restrictions on student participation in political life remain tightly enforced.

2004: In view of the gains made by the Malay community over the past several decades, the New Economic Policy (NEP) should be further scaled back in order to alleviate minority grievances.

2006: The tone of the NEP has been softened under its various successor programs, though most of the quotas benefiting the Malay community remain in place. In fact, United Malays National Organization Youth in 2005 demanded that these quotas be more rigorously enforced.

Rule of Law

2004: The independence of Malaysia's judiciary should be restored through impartial recruitment and promotion of judges. To this end, the government should consult more closely with the Malaysian Bar Council.

2006: The judiciary has displayed greater independence in its decisions in political cases, more often ruling in ways that have benefited opposition leaders. Recruitment and promotion still appears, however, to be deeply politicized.

2004: Judges require more training in order to rule effectively in complex commercial cases.

2006: With the passing of the Asian currency crisis and subsequent attempts to deal with nonperforming loans, issues over training in commercial cases appear less pressing. It is doubtful, however, that training has been significantly improved.

2004: The Attorney-General's Chambers should display more accountability to the public by disclosing its criteria for initiating and dropping proceedings.

2006: The operating style of the Attorney-General's Chambers appears to have changed little.

2004: The partisanship of the police force should be reduced by making the home ministry more accountable to parliament.

2006: The police have not been made any more accountable to parliament.

2004: The ineffectiveness with which the police confront street crime might be stemmed by recruiting more officers, hiring across ethnic lines, and increasing pay scales.

2006: Little improvement in police effectiveness in crime fighting or reduction in corruption can be expected before the recommendations of the Police Commission are fully adopted.

Anticorruption and Transparency

2004: Malaysia's Anti-Corruption Agency should be free to investigate cases of corruption in nonpartisan ways, and the Integrity Management Committee should be given enforcement powers.

2006: During the period under review, the ACA has carried out a few unprecedented and high-profile corruption investigations, but executive dominance still appears to seriously hinder its activities. The Integrity Management Committee has made few gains.

2004: Whistle-blowers should not be threatened with prosecution under the Official Secrets Act (OSA).

2006: The OSA remains in force, although a prominent opposition figure was acquitted on OSA charges during the period under review.

2004: Officials and politicians should be required to declare their assets publicly.

2006: New regulations over disclosure of assets by MPs have been put in place, but they remain laxly enforced.

2004: Government contracts should be awarded through open bidding.

2006: Prime Minister Abdullah has given greater attention to the need for open bidding involving GLCs, but greater transparency remains sporadic.

2004: The expenditures of Petronas should be specified in the federal budget.

2006: Petronas's internal dealings remain only partly disclosed through annual reports.

2004: The government should introduce pending legislation in a timelier fashion, allowing more consistent public scrutiny.

2006: The government's methods of introducing legislation and seeking feedback from the public have changed little.

MOROCCO

Accountability and Public Voice

2004: Senior officials appointed by the king to key public positions must be accountable to the government.

2006: No progress has been made.

2004: Institutional reforms are necessary to improve the legislative, regulatory, and inquiry ability of the parliament.

2006: There is no indication of recent institutional reforms to improve the workings of the parliament, although a program to strengthen parliamentary committees is under way.

2004: The tasks, internal regulations, and division of labor between the parliament's two chambers must be clarified and institutionalized.

2006: The official website of the parliament's two chambers makes no note of new regulations, and no other indication of new regulations could be found.

2004: Legal reforms should include progressive civil liberties and press codes, a coherent law on political parties, and a simple and fair electoral code.

2006: The media continue to work within the framework of Dahir No. 1-02-207 of October 3, 2002; new legislation on political parties was passed in October 2005 to simplify the process of party creation; the trend of reversing civil liberties in the name of counterterrorism continues; and the electoral code has not changed since 2003.

2004: The party system must be completely reorganized to enhance the independence of the parties from the central administration, democratize their internal structure, and improve their representation capacity.

2006: The party system was not reorganized, although the new law on political parties, 36-04, passed by parliament in October 2005, provides for restructuring the political field.

Civil Liberties

2004: Gender equity, freedom of conscience and belief, and protection of Berber culture and language must be clear and explicit in the constitution.

2006: Gender equity and freedom of worship are stated in the constitution and have been strongly supplemented by the passage of the new Family Law in January 2004. More can be done to ensure the protection of Berber language and culture.

2004: Legal reforms must clearly define and proscribe torture and cruel treatment in all situations. The use of statements extracted under torture must be prohibited in clear and specific terms.

2006: Torture is forbidden under Moroccan law; parliament passed two laws in October 2005 that criminalize torture.

2004: An independent and transparent truth and reconciliation commission should be established to fully compensate and rehabilitate victims of human rights abuses, investigate unsolved cases, address clearly the state's responsibility, and put an end to continued impunity, especially in cases of current violations.

2006: The government established an Equity and Reconciliation Commission in 2004 to address its past, with rehabilitation and compensation available for victims who request it; however, no investigation into the crimes is available, as perpetrators continue to enjoy immunity, and cases of post-1999 victims of torture fall outside the commission's mandate.

Rule of Law

2004: The role, powers, and composition of internal supervisory and disciplinary bodies such as the Inspection Générale and the Conseil Supérieur de la Magistrature must be expanded and improved.

2006: There have been no reforms of the role, powers, and composition of such internal supervisory and disciplinary bodies as the Conseil Supérieur de la Magistrature, and no clear indication can be found of recent reforms of the Inspection Générale.

2004: To improve judicial performance and bring the problem of petty corruption in the judicial process under control, procedures should be simplified and decision making and execution accelerated through consolidation of various courts and jurisdictions into single court systems.

2006: Morocco continues to have different courts and jurisdictions and has not consolidated them into single court systems.

2004: The training of the justice corps should be increased and its performance improved by offering incentives to qualified students, revising teaching standards, and requiring professional training as part of the curriculum.

2006: Professional training has been made available to certain magistrates, legal experts, and civil servants of the Ministry of Justice. There is no indication of incentives to qualified students, revised teaching standards, or required professional training as part of the curriculum.

Anticorruption and Transparency

2004: The government must allow public access to official information.

2006: Public access to information continues to be limited.

2004: The administrative functioning of the regime must be more transparent.

2006: Administrative reform is still needed to increase transparency.

NEPAL

Accountability and Public Voice

2004: Once democracy is restored, state radio and television should be placed under the control of an independent broadcasting board.

2006: The government has taken no action in this area; instead, the situation has grown worse; democracy has not been restored and the clampdown on the independent media has become more severe.

2004: Full merit-based hiring and promotion in the civil service should be introduced.

2006: The situation has worsened: Maoists are targeting and assassinating civil servants, and the government is failing to protect civil servants in the provinces.

2004: There should be an end to the licensing of journalists.

2006: The licensing of journalists continues.

2004: The king's role in politics should be curbed.

2006: The king's role in politics has increased.

Civil Liberties

2004: The government should institute human rights training for the army and police.

2006: Effective training has not been implemented, the human rights situation has worsened, and the army and police's human rights violations have become more severe.

2004: To prevent the indefinite detention of suspected Maoists, apparent loopholes in the Terrorism and Disruptive Activities Ordinance (TADO) need to be closed.

2006: The government has taken no action in this area; the detention situation has worsened.

2004: The special committees set up under TADO to coordinate local counterinsurgency efforts should be disbanded.

2006: The government has taken no action in this area.

2004: Reform is needed for laws on property and in other areas that discriminate against women.

2006: Nepalese law generally recognizes citizens' rights to private property, but the government has not yet addressed the right to citizenship by descent through the mother or the existence of discriminatory inheritance and property laws.

2004: To the extent resources permit, the government should hire more labor inspectors—and pay them adequately—to enforce labor laws better.

2006: The government has taken no action in this area.

Rule of Law

2004: The king's role as army commander and in appointing judges needs to end.

2006: The king's role has increased.

2004: Increased funding for judicial salaries and legal texts is needed to improve court administration.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: Foreign auditors should be hired to monitor customs and other key revenue sources—an admittedly drastic solution to a seemingly intractable corruption problem.

2006: The government has taken no action in this area.

2004: The government budget and other key financial statements should be more broadly published and distributed.

2006: The government has taken no action in this area.

2004: The size of the civil service should be reduced, perhaps through attrition, creating a leaner but better-paid bureaucracy.

2006: The government has taken no action in this area; however, civil service numbers are falling as civil servants in the rural areas are being deliberately harassed and killed by Maoists, resulting in a significant number of deaths and voluntary resignations.

2004: Procedures for public access to routine documents need to be streamlined.

2006: The government has taken no action in this area.

NICARAGUA

Accountability and Public Voice

2004: Investigative journalism should be encouraged, for example through training for journalists.

2006: No action has been taken.

Civil Liberties

2004: The state must fully implement legal changes passed over the past few years.

2006: The executive and judicial branches have made significant progress in implementing the principal change, which is the new penal procedure code. But the government has only spottily shouldered its responsibilities regarding new legislation on the rights of citizens on the Atlantic Coast (regulations to the Autonomy Statute and the Land Demarcation Law) and done very little to help people with disabilities.

2004: Laws protecting women and children must be passed and enforced.

2006: Such laws do not exist; the Nicaraguan legislature has avoided passage of the equal opportunities law for women and the criminalization of child prostitution.

Rule of Law

2004: Greater investment of resources in judicial training and infrastructure is needed.

2006: Given that many foreign donors have withdrawn financial assistance from the judicial system in recent years (after engagement in the 1990s), overall judicial training and infrastructure have not advanced much. However, specific training continues in the new procedure code and for public prosecutors and defenders.

2004: The new Judicial Organic Law, the criminal procedures code, and a new penal code should be enforced in order to increase judicial independence and legitimacy.

2006: Passage of a reformed penal code is still pending in the Assembly. The Law of the Judicial Career, passed in late 2004, which bears most

directly on the issue of judicial independence, also has not been implemented. The criminal procedures code, extended to all cases at the end of 2004, has helped reduce arbitrary detentions and established an oral accusatory system for criminal proceedings.

Anticorruption and Transparency

2004: To open up the functioning of the government to public scrutiny, the state must engage in ongoing campaigns that bring government-related news to the media. The state must play a proactive role in sharing information with the people, perhaps through regular news releases as well as town-hall-style meetings revealing the accomplishments of and challenges faced by the government.

2006: The Bolaños government has modestly reinforced its efforts to bring its achievements to public attention and has held local-level meetings with citizens, mainly outside the capital, both to inform them of policy and to solicit inputs into the National Development Plan.

2004: Greater transparency in government is necessary through public scrutiny of officials' records followed by dismissal or prosecution and conviction, when merited. Those government officials found guilty of malfeasance must be subject to the same penalties as the average citizen.

2006: The weaknesses in the probity law for public servants and the lack of legislative action on the draft access to information law have resulted in little growth in the public scrutiny of officials' actions. The extreme politicization of the judicial system has significantly hindered its action in processing corruption cases, allowing almost complete impunity and proving galling to the citizenry.

NIGERIA

Accountability and Public Voice

2004: The Independent National Electoral Commission (INEC) should enjoy genuine autonomy and be funded adequately through an autonomous budget to administer elections properly.

2006: INEC remains deeply vulnerable to executive influence, including executive control of its budget, which is chronically underfunded.

2004: State-controlled media must be accessible to all electoral candidates on an equitable basis and should be permanently controlled by an autonomous broadcast authority to guard against partisan bias.

2006: State-controlled media remains dominated by the party in power, but some coverage of the opposition appears on national networks; local televised media is largely beholden to the state governors. Private print media are more independent but subject to selective financial and political influence, while private television and radio stations have also seen increased government interference of late.

2004: Licenses for private broadcasting should be made more easily available and provision for community radio stations established.

2006: No government action has been taken in this area.

Civil Liberties

2004: Implementation of constitutional and legal provisions must be improved, especially in the handling of protests, strikes, and related forms of group political expression, in treatment of detainees and prisoners, and regarding women's rights.

2006: The government announced that it would release half of all the nation's prisoners, and human rights groups won a number of precedent-setting cases to improve the protection of women's rights under the Nigerian Sharia code, but associational rights have deteriorated markedly.

2004: The government must act forcefully at all levels to curb political militias and related political vigilantism and end official impunity for acts of violence by security forces.

2006: Militia activity has grown bolder and better armed, and security force impunity has only been curbed at the margins.

2004: Official and NGO efforts to educate citizens regarding their rights and remedies if those rights are not respected should be increased.

2006: Government information campaigns have been limited, while targeted NGO efforts have made progress in some communities.

Rule of Law

2004: The judicial branch should be financially independent of the executive, receiving funds directly from the federal budget, and be adequately funded to allow the proper administration of justice.

2006: The National Judicial Council receives funds directly from the federal budget, but the executive continues to release such appropriations as it sees fit, and state and federal executives control significant ancillary funding needs, such as transportation, courtroom necessities, and so on.

2004: Members of the government cannot be allowed impunity for legal transgressions and must abide by court decisions. Workshops and seminars to instill these values should include high government officials.

2006: Several governors, the inspector-general of police, a minister, and other high-level politicians have been arrested or dismissed for corruption, although worrisome political motives have been tied to a number of these cases, and government officials have shown an occasional unwillingness to abide by unfavorable court decisions. Donor-sponsored ethics workshops have been well attended and soon forgotten.

2004: Independent civilian oversight of police must be strengthened to discourage abuses and political manipulation of police.

2006: Human rights NGOs are working with the police to improve community policing practices, and the police have instituted a number of community dialogue channels in some areas, but their seriousness or effectiveness to date appears anecdotal.

Anticorruption and Transparency

2004: The Independent Corrupt Practices Commission (ICPC) must be made truly independent and take up its prescribed role as watchdog over malpractice from any sector.

2006: The ICPC undertook few prosecutions in 2004–2005 and was largely eclipsed by the highly effective Economic and Financial Crimes Commission, which showed increasing willingness to hound high-level corruption but also some danger of politicization by late 2005.

2004: The capacity of the executive's budgetary process needs to be strengthened, including the capacity of the Auditor-General's Office, to help increase accountability and public knowledge and voice.

2006: The President's Due Process Unit improved the procurement process for the 15 percent of the budget over which it had authority, but the larger budgetary process remains obscure.

2004: Legislative staff training should be increased, and offices should be modernized (including computerizing the offices of the budget,

appropriations, and related committees with oversight responsibilities) to help keep the executive branch honest and accountable.

2006: National legislative staffs have generally improved in skills and performance, and the National Assembly has improved its technological resources, but its ability to challenge the presidency remains limited, and state assemblies have been largely controlled by the governors.

2004: The Office of the Auditor-General should be independent of the presidency and the legislature, in terms of both appointment and funding. Its budget should derive directly from the federal accounts.

2006: The auditor-general's office has been firmly under presidential control since 2003.

2004: Robust freedom of information laws easily enforceable in the courts should be adopted to ensure the public's access to government information.

2006: The House of Representatives passed the Freedom of Information Act in 2004, and the Senate appears close to passing it as well.

2004: Any sale of state assets should be closely monitored to ensure that benefits accrue to the Nigerian people and not unduly to well-connected private individuals.

2006: Powerful politicians traded accusations that they had benefited from government privatization efforts, particularly in the telecommunications and steel industries.

PAKISTAN

Accountability and Public Voice

2004: The government should resist the military's intervention in constitutional governance, which undermines popular political participation.

2006: The government has taken no action in this area.

2004: The Legal Framework Order should be rescinded in order to pave the way for restoration of civilian rule.

2006: The government has taken no action in this area.

2004: General Musharraf should adhere to his roadmap for democracy and genuinely transfer power to the elected parliament and government.

2006: The government has taken no action in this area.

2004: The legal and practical restrictions on major political parties should be withdrawn.

2006: The government has taken no action in this area.

2004: For their part, the political parties should reach agreement on a political code of conduct that prevents the winner-take-all politics of the past that has facilitated military intervention.

2006: No action has been taken in this area.

2004: The internal wing of Inter-Services Intelligence (ISI) should not be allowed to interfere in the affairs of political parties or civil society organizations.

2006: The government has taken no action in this area.

2004: The government should withdraw the new press laws, and legal measures should, instead, be introduced to protect journalists and punish officials intimidating them or otherwise interfering with the constitutional guarantees of freedom of the press.

2006: The government has taken no action in this area.

2004: The Council of Pakistan Newspaper Editors and the All Pakistan Newspapers Society should be involved in any new legislation relating to the media.

2006: The government has taken no action in this area.

Civil Liberties

2004: The ISI's role in supporting Islamic militant groups should be brought to an end, making it possible progressively to eliminate sectarian and religious militancy.

2006: The government has taken no action in this area.

2004: The government should seek the cooperation of major political parties to repeal the hudood ordinance and amend the blasphemy laws.

2006: The government has taken no action in this area.

2004: The broad powers of the National Accountability Bureau (NAB) should be restricted in accordance with the normal penal and criminal procedure codes.

2006: The government has taken no action in this area.

2004: The ban on student unions and the limitations on political parties and trade unions should be removed.

2006: The government has taken no action in this area.

Rule of Law

2004: The independence of Pakistan's judiciary should be restored through appointment of judges of good repute.

2006: The government has taken no action in this area.

2004: The process of appointments to the superior judiciary should be made more transparent, possibly involving the Pakistan Bar Council and open hearings before a parliamentary committee.

2006: The government has taken no action in this area.

2004: The present confrontation between the bar and the judiciary must be brought to an end.

2006: The government has taken no action in this area.

2004: The military's interference with law enforcement and judicial proceedings should be rolled back, along with the abolition of parallel courts and prosecution bodies.

2006: The government has taken no action in this area.

2004: The duplication in the jurisdictions of the Federal Investigation Agency (FIA) and NAB should be eliminated.

2006: The government has taken no action in this area.

2004: Funding and training for law enforcement and the judiciary should be increased.

2006: The government has taken no action in this area.

2004: Security and Intelligence services should not be allowed to remain above the law.

2006: The government has taken no action in this area.

2004: More judges should be appointed to clear the extensive backlog in lower courts.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: The government must hold both the military and the judiciary accountable if efforts against corruption are to bear fruit.

2006: The government has taken no action in this area.

2004: NAB should not be used for the political purpose of discrediting politicians and civilian administrators. Appointment of its personnel should be subjected to checks and balances and its jurisdiction should be extended to the military and the judiciary.

2006: The government has taken no action in this area.

2004: Improvements in pay scales for civil servants and judges are necessary to curtail the environment for corruption.

2006: The government has taken no action in this area.

2004: Secrecy in government should be minimized.

2006: The government has taken no action in this area.

2004: The scope of the Freedom of Information Ordinance must be expanded and an enforcement mechanism should be provided.

2006: The government has taken no action in this area.

SIERRA LEONE

Accountability and Public Voice

2004: The government must undertake difficult political negotiations with paramount chiefs, the existing (and not popularly elected) basis for local governance.

2006: The government introduced elected local governments, though the duties and political relations of this new layer of administration remain confused vis-à-vis paramount chiefs.

2004: The government should take a minimalist approach to monitoring professional standards of journalists, leaving this task as much as possible to the Sierra Leone Association of Journalists (SLAJ).

2006: The government continues to monitor professional standards of journalists, although the introduction of a degree program in journalism at the University of Sierra Leone represents an advance. Recent politically motivated prosecutions indicate a need to repeal the seditious libel law.

2004: Measures should be taken to encourage broader diffusion of newspapers, which still do not circulate widely outside the capital, to promote political debate.

2006: The government has taken no action in this area. Private merchants provide limited distribution of newspapers in the three provincial capitals.

Civil Liberties

2004: Police training and more vigorous prosecution of police abuse of citizens are basic measures necessary to improve the government's record for protecting existing rights.

2006: Government action in this area has been limited.

2004: Rehabilitation of the country's court system will be necessary to provide citizens with means to redress inconsistent enforcement of rights.

2006: Aside from extending limited court services to areas previously in rebel hands, the government has taken little action in this area.

2004: A mechanism must be put in place to ensure the country's impoverished majority of access to government institutions.

2006: The government has taken no action in this area.

Rule of Law

2004: The movement of fighters across international borders in the region must end, as it threatens renewed violence for Sierra Leone.

2006: Concrete positive steps have been taken to monitor regional security threats.

2004: Departure of UN peacekeepers should be delayed if security situation in Guinea deteriorates.

2006: Given the departure of peacekeepers at the end of 2005, careful attention needs to be paid to ensure coordination of security forces and the UN peacekeeping mission in Liberia. Political developments in Guinea bear close monitoring in the event of a political transition there.

2004: The government needs to secure protection for members of the Special Court, given the court's intent to prosecute individuals who still enjoy high standing among non-state armed groups.

2006: The government protects the Special Court against potential threats by supporters of defendants. International agencies and the Nigerian Government brought Charles Taylor to the court to answer charges, increasing the court's legitimacy of in the eyes of many Sierra Leone citizens.

Anticorruption and Transparency

2004: The prosecutorial weakness of the Attorney General's Office, as well as the weak mechanisms permitting those who are charged to pursue their legal rights, must be addressed as part of a broader reform of the judiciary.

2006: Very limited government action has been taken in this area.

2004: The government must provide greater political support for oversight and investigative agencies.

2006: Limited gains have been made in promoting investigations of the Anti-Corruption Commission. This agency needs to be encouraged to pursue cases more vigorously.

2004: The state needs to provide better public access to information about government-funded programs.

2006: The government has not taken practical action in this area.

SRI LANKA

Accountability and Public Voice

2004: The establishment of a viable, effective, and independent electoral commission is needed to ensure that future elections are not marred by political violence and allegations of corruption.

2006: No action has been taken.

2004: Media independence could be strengthened by a gradual divestiture of state ownership of media outlets.

2006: No divestiture has been made.

2004: The formation of an independent media council that could serve as a mechanism for the self-regulation of the media sector should be expedited.

2006: No action has been taken.

Civil Liberties

2004: Cases of those who have been arrested under the Prevention of Terrorism Act (PTA) and held without trial or charge should be examined expeditiously.

2006: There has been progress in resolving these cases, but many still remain to be heard.

2004: The police and other security forces should receive training on general human rights issues, particularly on acceptable interrogation techniques.

2006: The police and security forces have received some training, but additional assistance is needed.

2004: A concerted effort should be made to investigate accusations of torture and custodial rape or murder, and those responsible should be prosecuted.

2006: No action has been taken.

2004: The government should take steps to enhance prosecution of trafficking in women and children by more aggressively investigating and prosecuting cases under already existing legislation.

2006: No action has been taken.

Rule of Law

2004: Planned improvements to address the quality of judicial staff and their access to legal information to enhance the professionalism of the judiciary must be followed through.

2006: The quality of judges and their access to legal information remains an area of much-needed improvement.

2004: The political impasse over the question of the dismissal of present chief justices should be resolved as expeditiously as possible.

2006: This issue has not been resolved but has disappeared with the change in government in 2004.

2004: Larger structural changes to the judiciary should be considered, such as giving an independent panel the power of appointing judges or

changing the criteria for membership in the Judicial Service Commission (JSC).

2006: No action has been taken.

Anticorruption and Transparency

2004: Most important, priority should be given to establishing a mechanism to ensure that the potential influx of foreign aid that was promised at the June 2003 Tokyo donors' conference be disbursed in a fair and transparent manner.

2006: No action has been taken, although the issue has been delayed by political problems and elections.

2004: Existing anticorruption laws, such as the DALL, need to be strictly enforced, and existing institutions, such as the Bribery Commission, need to be allowed to function fully and effectively—if necessary by giving them additional powers and resources, such as their own investigative staff.

2006: There has been no apparent improvement in this area.

2004: Legislation offering protection for whistle-blowers is needed.

2006: No action has been taken.

2004: The passing of freedom-of-information legislation should be made a priority.

2006: No action has been taken.

2004: Accountability would be improved if mechanisms were put in place to require that all proposed legislation be made available to the public for their scrutiny and comment.

2006: No mechanisms have been created.

UGANDA

Accountability and Public Voice

2004: The most important reform to increase political accountability in Uganda would be the retirement of President Museveni at the end of his current term, the last one he is permitted under the constitution.

2006: President Museveni orchestrated the removal of term limits, the formation of a new political party, and his nomination as its presidential candidate.

2004: The reappointment of the original chair of the electoral commission, Stephen Akabway, would help restore the independence and authority of that commission.

2006: The regime retained the current chair, Dr. Badru Kiggundu. At this point, changing the chair would reduce, not increase, independence. Kiggundu has shown some independence.

2004: A hands-off government policy toward criticism by journalists would strengthen both the norms of government accountability and support for the government.

2006: The government has moved in the opposite direction by interfering with the media.

Civil Liberties

2004: The government should introduce a policy of effective and prompt punishment for all human rights violations caused by members of all security services.

2006: The government has taken no action in this area.

2004: A human rights component should be inserted into the security forces' training programs, with required refresher courses offered biannually. Soldiers in the original National Resistance Army (NRA) were effectively trained to respect the rights of all civilians, and this memory and the pride of officers from that time could be drawn upon.

2006: The government has taken no action in this area.

2004: All paramilitary security forces should be disbanded.

2006: The government has taken no action in this area.

2004: Laws meeting the constitutional standards of equality of women with men should be passed and actively implemented, particularly those giving women the right to land ownership, the right to a share of marital property upon divorce, and the right to inherit property from their husbands.

2006: The government has taken no action in this area.

2004: Ending the war with the Lord's Resistance Army (LRA) is essential for ending the human rights abuses caused by both armed forces. The best chance for a peaceful settlement would be the adoption of a

consistent government policy to support independent negotiations by Acholi church officials and respected elders with the leaders of the LRA.

2006: The government appeared to be on the verge of successful negotiations at the end of 2004; however, the negotiations collapsed.

2004: The cabinet should withdraw its September 2003 proposal on cost-savings grounds to merge the Uganda Human Rights Commission (UHRC) with the inspector general of government because a merger is likely to reduce vigorous protection of constitutional rights.

2006: Outcries from Parliament and civil society caused the cabinet to withdraw these proposals.

Rule of Law

2004: The government should strengthen the rule of law through the president's commitment that all criminal cases not involving the military during active combat will be tried before the judiciary.

2006: The government has taken no action in this area.

2004: The government should expand its staffing in the police and the office of Director of Public Prosecutions (DPP) to reduce the number of prisoners on remand and thus accelerate trials.

2006: The government has taken no action in this area.

2004: The executive should instruct the police and intelligence agencies not to re-arrest acquitted defendants without evidence of a completely different charge.

2006: The government has taken no action in this area.

2004: Increasing the budget and staff of the UHRC would improve the willingness of government departments to comply with legal norms.

2006: The government has taken no action in this area.

2004: The government should commit its departments to applying the Anti-Terrorism Act only after thorough investigation.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: The Inspector General of Government (IGG) and the auditor-general have built effective and trusted governmental accountability

structures for transparency and against corruption since 1995; doubling the budgets of both would probably save the government money overall and would strengthen the culture of accountability.

2006: The government has taken no action in this area.

2004: The government must prevent the corrupt diversion of foreign aid.

2006: The government has taken no action in this area.

2004: Public officials and their relatives should be prohibited from acquiring properties through privatization.

2006: The government has taken no action in this area.

UKRAINE

Accountability and Public Voice

2004: Proposals for constitutional amendments, specifically those creating a parliamentary system, should undergo a thorough and independent examination and be subjected to an authentic, public, and nationwide consultation process. These amendments should not be allowed to take effect in a way that circumvents the electoral rights of citizens or benefits incumbents.

2006: Constitutional amendments were passed in December 2004 following a political agreement between the Yushchenko and Yanukovych camps enabling a repeat vote of the presidential election. Several aspects of the constitutional reform have been criticized by the Council of Europe, and the legitimacy and efficacy of the amendments remain unclear.

2004: Salaries of civil servants should be increased.

2006: There is evidence that the new government has already, or is in the process of, implementing this recommendation.

2004: Government policy on consultation with civic groups should be refashioned to strengthen links and afford civic groups access to officials and the rights to comment on policy and legislation.

2006: Civic groups still complain of not being listened to, but significant progress has been noted regarding the openness of the Ministry of Internal Affairs toward NGOs.

2004: Legislation to keep the government at arm's length from the media should be linked to any government funding of media, which should be supported on a nonpartisan and broad basis. An ombudsperson for freedom of the media should be introduced to guarantee and protect the rights of journalists against government interference. The issuing of temnyky (theme directives to the media) must cease.

2006: Direct interference of the executive in media reporting, including the issuing of temnyky, has ceased. However, the government's determination to create a public broadcasting service in line with European standards remains unclear.

Civil Liberties

2004: Government officials and law-enforcement personnel require more effective and higher-quality training and education in civil liberties.

2006: International NGOs continue to deplore the pervasive mistreatment, including torture, of detainees and prisoners in the law enforcement system.

2004: Laws must be enforced consistently (not selectively), and those responsible for violating the rights must be prosecuted and punished.

2006: While the rule of law remains, on the whole, weakly enforced, the blunt use of law enforcement organs, such as the tax police and Ministry of Interior troops, against political opponents, has considerably diminished.

2004: The parliament and its investigative/monitoring functions must be expanded; resources should be given to parliamentary committees to investigate and monitor wrongdoing, corruption, and violations of the law in both the government and the police/militia structures.

2006: Little progress has been recorded. The parliamentary investigative commission on Gongadze was prevented from delivering its report.

2004: A witness-protection program must be implemented, and funding and support to the ombudsperson's office increased.

2006: This recommendation does not appear to have been heeded.

2004: The registration process for civic groups must be simplified and clarified.

2006: This recommendation does not appear to have been heeded.

2004: The government should issue an annual report—through its ombudsperson’s office—on hate crimes and hate speech with a section addressing responses by authorities to these rights violations.

2006: This recommendation does not appear to have been heeded.

Rule of Law

2004: Legislation and ethics governing the separation of the executive and parliament from the judiciary must be strengthened and enforced; those who violate these regulations must be investigated and held accountable.

2006: The Office of the Prosecutor General continues to blur the separation between the executive and the judiciary. To the dismay of the Council of Europe, the amended constitution continues to endow the prosecutor general with the powers to supervise court rulings and enforce laws.

2004: The quality of judges’ training needs improvement.

2006: There was evidence during the Orange Revolution that several judges had benefited from Western-funded NGO training.

2004: The redress mechanism by which judges are held accountable when they violate rights of defendants must be strengthened.

2006: There does not appear to be noticeable progress on this process yet.

2004: Compliance with court decisions must be enforced, and those who are in contempt must be punished.

2006: International NGOs have continued to underline the persistent problem of unenforced court rulings.

2004: The Security Service of Ukraine (SBU) should be subject to scrutiny by a parliamentary oversight commission to ensure that the agency is not politicized and its functions are not abused by the president’s office.

2006: Parliamentary oversight powers remain weak.

Anticorruption and Transparency

2004: Law enforcement officials should receive improved training and education concerning their responsibilities and clearer instruction about what activities should be considered illicit and corrupt.

2006: There does not seem to be evidence of greater clarity on this issue among law-enforcement officials.

2004: An independent extragovernmental agency that includes representatives of major political parties, including the opposition, should be set up for tackling intra-systemic corruption and organized crime.

2006: This recommendation was not heeded.

2004: Detailed conflict-of-interest guidelines need to be established and enforced in the executive, judicial, and legislative branches, and violators should be prosecuted.

2006: The accusations surrounding the sudden firing of Tymoshenko and of several top aides, with Orange politicians accusing each other of corruption, have starkly exposed the absence of conflict-of-interest guidelines in government.

2004: Independent ethics commissions governing members of the executive, judiciary, and parliament should be reinforced.

2006: This recommendation was not heeded.

2004: Naftohaz, the gas monopoly, should be subject to an independent auditing system and parliamentary scrutiny.

2006: The relationship between the highly lucrative oil and gas import business and the private interests of government officials remains murky. Parliamentary scrutiny remains weak, and no independent auditing system has been established.

VENEZUELA

Accountability and Public Voice

2004: The government should immediately embark upon a series of good-faith gestures to defuse Venezuela's highly polarized political atmosphere. In particular, both the president and other senior government officials should refrain from highly charged, intimidating rhetoric against opponents.

2006: The government has taken no action in this area.

2004: The government should work with the international community to ensure that the recall petition process is both transparent and overseen by neutral third parties.

2006: The government allowed access to international observers.

2004: The president's practice of bypassing the National Assembly should come to an end, and that body should be held accountable to modern parliamentary standards regarding transparency, openness, and accessibility.

2006: The National Assembly continues to work under the president's direction and without modern standards.

2004: Venezuela should live up to its international obligations regarding press freedom; in this regard, it might be useful for both private and publicly owned media to open themselves up to opposing points of view in a time frame or manner accessible to the greatest number of viewers/listeners/readers.

2006: The government has taken no action in this area.

2004: The use of agents from nondemocratic countries within Venezuela's intelligence, security, and police apparatuses is unacceptable in a true democracy and should stop.

2006: The government has taken no action in this area.

Civil Liberties

2004: Police and security officers guilty of abuses against suspects of common crimes must be punished.

2006: The government has taken no action in this area.

2004: Clear public orders to Venezuelan military, security, and law enforcement agencies should be issued that they must refrain from the use of excessive force in dealing with demonstrations and public protests.

2006: The government has taken no effective action in this area.

2004: In communities or regions where Native Americans represent a significant percentage of the population, the government should allow greater use of traditional law.

2006: The government has taken no action in this area.

2004: A specific law enabling prosecution for the trafficking of persons should be passed, and increased efforts should be made to enforce relevant existing statutes.

2006: The government has recognized the importance of trafficking in persons as a policy issue.

Rule of Law

2004: Stronger steps are necessary to ensure that newly appointed judges are consensus candidates enjoying community-wide approval and not the representatives of a particular political party or interest.

2006: The government has taken no action in this area.

2004: Increased efforts are needed to ensure that improvements continue in the justice system, including concrete steps to guarantee that the police and security forces are not used for partisan political purposes.

2006: The government has taken no action in this area.

2004: The military's role in internal security must be limited to extraordinary circumstances in which civilian law enforcement proves unable to meet the challenge faced. The president's use of military cronies to staff non-military government agencies should come to an end.

2006: The government has taken no action in this area.

2004: Members of the armed forces should be subject to civilian courts in all cases except those concerning the lawful fulfillment of their duties as part of the military.

2006: The government has taken no action in this area.

2004: Laws governing private property rights need to be strengthened and enforced.

2006: The government has taken no action in this area.

Anticorruption and Transparency

2004: To restore credibility to the citizen-power branch of government created to fight corruption, the heads of the offices of the ombudsman, comptroller general, and the public prosecutor should be either appointed by bipartisan consensus within the national assembly or, at least in the first two instances, chosen through national elections.

2006: The government has taken no action in this area.

2004: The Chávez government should make a concerted effort to free the state from excessive bureaucratic regulations, registration requirements, and other controls that provide continued opportunities for corruption.

2006: The government has taken no action in this area.

2004: A law protecting government whistle-blowers should be enacted along the lines set down in the Organization of American States' model anticorruption statutes.

2006: The government has taken no action in this area.

VIETNAM

Accountability and Public Voice

2004: The Communist Party must end its position as the leading force in society.

2006: The government has taken no action in this area.

2004: Ensuring press freedoms, including unrestricted internet, must be a high priority.

2006: The government has taken no action in this area.

2004: The national assembly needs strengthening through professionalization, in particular to bring in more full-time parliamentarians and to educate its members and staff.

2006: The government has taken steps to improve the professionalization of its legislators and their permanent staff and has increased the number of full-time parliamentarians.

Civil Liberties

2004: The government must allow for the development of autonomous civil society.

2006: The government has allowed some modest developments in civil society, especially in the commercial and legal sectors, although they remain politically constrained.

2004: The government must allow for the functioning of independent churches, permitting monks and other religious leaders to independently distribute aid.

2006: The government has taken no action in this area.

2004: The policy of administrative detention under CP/31 is a real danger to the development of human rights.

2006: The government has taken no action in this area.

Rule of Law

2004: Vietnam requires legal reform and legal training, as further reform is constrained by the lack of qualified personnel.

2006: The government has invested in limited human resource development in the legal sector and has been more willing to accept international assistance in this area.

Anticorruption and Transparency

2004: Only a free press can force the leadership to police itself. The regime must therefore encourage press freedom.

2006: The government has taken no action in this area.

2004: Vietnam needs further economic reforms, such as the complete marketization of the economy, privatization of state-owned enterprises, and the further development of the private sector.

2006: The government has increased the scope of its economic reform program, allowed for more privatization of state-owned assets, and given more leeway to the private sector, though key economic sectors remain dominated by state-owned enterprises and overly regulated by the state.

2004: Government needs to ensure greater transparency, which would allow for increased monitoring of governmental activities.

2006: The government has taken no action in this area.

YEMEN

Accountability and Public Voice

2004: The Yemeni government should enhance the training, direction, and oversight of local election officials to ensure that they can fulfill their responsibilities. For the long term, the Yemeni government should invest in measures to depoliticize the electoral administration, such as creating an election administration staffed with properly trained civil servants.

2006: The Supreme Commission for Elections and Referendum (SCER), with the support of the International Foundation for Elections (IFES) and the United Nations Development Program (UNDP), has held two training courses for administrative personnel for the purpose of carrying out free, neutral, and transparent elections. However, more should

be done to de-politicize the electoral administration in the long term – SCER continues to be dominated by the ruling GPC party.

2004: The electoral constituencies should be redrawn in accordance with the principles set by the Constitution and Election Law.

2006: SCER has discussed but not yet acted upon redistricting.

2004: Special mechanisms should be established to expedite the dispute resolution and appeals process at all stages of the election cycle, either by further developing the capacity of the SCER to rule or by setting up special and independent Electoral Courts to arbitrate disputes in a timely, thorough, and cost-effective manner.

2006: While SCER has worked to improve the impartiality and transparency of future elections in Yemen, independent Electoral Courts have yet to be set up. With the help of international organizations, SCER has cleansed the voter registry of numerous double entries and under-age names, but no amendments to electoral law in order to establish special mechanisms have been made.

2004: The Law for Press and Publications needs to be amended to either clarify or delete the numerous vaguely worded provisions on outlawed publications in Articles 137 to 153.

2006: The Law for Press and Publications has not been amended and continues to be used to restrict press freedom. The government abandoned a 2003 draft media law due to strong criticism from international press-freedom watchdog groups. A new draft law under debate in parliament would amend the original law but has been criticized as vague and potentially restrictive.

2004: The government should develop procedures and regulations to enable the establishment of private and independent broadcast media outlets in order to reduce the state's monopoly over radio and television.

2006: The state continues to maintain a monopoly over radio and television and has rebuffed attempts to establish private television channels.

Civil Liberties

2004: The Yemeni government should implement a comprehensive program to train law enforcement, security and prison officials on the proper procedures for arresting, detaining, and interrogating accused individuals.

2006: Minor steps have been taken in this area, such as a rehabilitation training course for policemen administered by the European Union in December 2005, which included lectures about human rights and respect. However, continued reports of harassment and poor treatment of prisoners suggest that a strong need for a national comprehensive training program in this area still exists.

2004: Public officials should not have immunity for crimes committed while on duty.

2006: There has been no legal change in this area.

2004: The government should amend national laws to ensure that women enjoy full equality in the law, particularly personal status laws on obtaining citizenship.

2006: No such changes in national laws have been made.

2004: The clause in the Penal Code that allows for leniency for persons guilty of so-called “crimes of honor” should be eliminated.

2006: The government has taken no legal action to change this clause.

2004: School attendance should be mandatory for all students, both male and female, until the age of 15.

2006: The law provides for universal, compulsory, and free education for children ages 6 to 15, but it is still not uniformly enforced, and school attendance remains low.

Rule of Law

2004: The Yemeni government should take steps to decrease the potential for the executive branch’s interference in the judiciary, such as removing the President from the Supreme Judicial Council (SJC).

2006: In June 2006, President Saleh issued a decree removing himself as head of the SJC and appointing Supreme Court Chief Justice Essam al-Samawi in his stead. Yet, the executive branch retains the power to appoint or remove SJC members. No legislative action has been taken to reduce executive power in this area.

2004: Judicial authorities and the police should be more tightly linked and better coordinated to ensure that judicial rulings are fully implemented and respected.

2006: No significant improvements have been made in this area.

2004: The government should ensure that all police and security authorities are subject to oversight and investigation from the legislative branch of government and the judiciary, as well as the executive branch.

2006: The police and security authorities ultimately remain subject to executive oversight, which has been uneven at best. No substantial changes in the law have been made to strengthen legislative and/or judiciary responsibility and power in this area.

2004: Suspects allegedly involved with terrorist organizations should be either charged with a crime or released if insufficient evidence exists.

2006: While some suspects in the war on terror have been released after renouncing extremist views and engaging in religious dialogue with Islamic figures, others continue to be held without charge or trial.

Anticorruption and Transparency

2004: Yemen's government should introduce requirements of public disclosure of personal finances, including income, assets, and all business interests for all senior public officials such as the president, senior staff to the president, government ministers, top ministry officials, judges and other senior judicial authorities, and members of parliament.

2006: No government action has been taken in this area.

2004: Formal mechanisms should be established, such as an anonymous telephone tip line, by which government employees and individuals can report instances of alleged corruption and misuse of public resources.

2006: No government action has been taken in this area.

2004: The government should create a body that is fully independent of the president and the executive branch to investigate and prosecute alleged instances of corruption, and make the reports of investigations publicly available.

2006: New draft laws establishing a national higher authority to monitor and fight corruption are under debate by parliament. However, in their current form these laws would give the president direct authority over the new commission.

ZIMBABWE

Accountability and Public Voice

2004: A new constitutional commission needs to work closely with all sectors of society, including the National Constitutional Assembly (NCA). The new constitution needs to separate clearly the judicial, legislative, and executive branches of government; clear limits on the powers of the executive merit special attention. A strong bill of rights is necessary to secure the liberty of citizens.

2006: Recent amendments to the constitution did not address these concerns. The creation of a new senate actually allowed for greater executive influence in the legislative branch.

2004: The rights of all political parties to engage in the political process must be supported and the winner-takes-all culture that has marked Zimbabwe must end. The ruling party must negotiate with, rather than jail, the political opposition.

2006: The ruling party significantly reduced physical harassment of opposition political parties in 2005 elections; the government withdrew treason charges against opposition leader Morgan Tsvangirai but took steps to strengthen its grip on power.

2004: The government needs to repeal the Public Order and Security Act (POSA) and the Protection of Privacy Act (AIPPA).

2006: The government did not repeal the POSA or the AIPPA.

2004: The government must allow foreign correspondents back into the country and permit international and domestic election observers free access during elections.

2006: The government continues to place severe restrictions on foreign correspondents and now determines which international election observers are allowed into the country.

Civil Liberties

2004: Policy proposals to foster respect for civil liberties must be aimed directly at government failure to uphold constitutional rights and liberties. Therefore, short-term policies should focus simply on protection of human life, including through the disbandment of youth militias.

2006: Training centers for youth militias have been expanded, and police have not intervened in cases in which they have been reported as observing attacks against citizens.

2004: Government leaders must be prosecuted for using war veterans, youth militia, police, and security services to intimidate, beat, and detain civilians.

2006: Government leaders have not been prosecuted for the use of security forces to intimidate, beat, or detain civilians.

2004: NGOs must be permitted to function freely.

2006: The parliament approved a new NGO bill that further restricts NGOs. Although this bill has not been signed by President Robert Mugabe, it nevertheless indicates government attitudes toward NGOs.

2004: Constitutional freedoms of association, assembly, and speech must be upheld.

2006: The government continues to use restrictive legislation to curtail freedoms of association, assembly, and speech.

Rule of Law

2004: Policies that respect the rule of law must focus on the protection of property and the courts. The government needs to return all land taken from Zimbabweans and develop an independent commission to deal with issues of land reform in a transparent and constitutional manner.

2006: The government approved a constitutional amendment ending legal challenges to land seizures and broadened its attack on property rights through its demolition of urban townships.

2004: The government needs to stop politicizing the courts by placing close political supporters in judgeships.

2006: The government has continued politicizing the courts through the appointment of political supporters.

2004: Judges must apply the constitution justly, resisting government interference.

2006: Judges are still under pressure from the executive but have nevertheless shown some continued independence.

Anticorruption and Transparency

2004: The government needs an outside audit of its finances, the creation or reinvigoration of government oversight agencies in both the executive and legislative branches, and open financial disclosure of the ZANU-PF family of companies.

2006: The government has not reformed its auditing procedures to ensure effective and transparent oversight of government agencies and ZANU-PF-related businesses.

2004: The government must implement the anticorruption protocols of the Southern African Development Community (SADC) and of its 2001 Malawi Summit. These must be accompanied by stronger compliance mechanisms.

2006: The government has not implemented any of the anticorruption protocols of the SADC and of its 2001 Malawi Summit.

2004: It is necessary to divest the government of its state-owned enterprises and system of state licensing to end economic incentives for political corruption.

2006: The government has neither divested itself of state-owned companies nor ended licensing and other regulatory incentives for political corruption.

2004: Legislation that examines instituting methods of accountability in procurement is necessary to end the incentives for fraud.

2006: There has been no reform of government procurement processes to reduce incentives for fraud.

2004: The government must ensure international accountability in the distribution of food aid by allowing the United Nations and other international and domestic organizations the ability to monitor the food's distribution.

2006: The government has refused to allow the United Nations or other independent organizations to monitor food distribution freely.

